THE WRITINGS

OF

THOMAS JEFFERSON

VOLUME III

1781–1784

Of this Letter-press Edition

750 Copies have been Printed for Sale

No. 406

G. P. Putnam's Sons

March, 1894

THE WRITINGS

OF

THOMAS JEFFERSON

COLLECTED AND EDITED

BY

PAUL LEICESTER FORD

VOLUME III

1781–1784

G. P. PUTNAM'S SONS

NEW YORK 27 WEST TWENTY-THIRD STREET

LONDON 24 BEDFORD STREET, STRAND

The Knickerbocker Press

1894

The Knickerbocker Press
G. P. PUTNAM'S SONS
NEW YORK

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1892
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ITINERARY AND CHRONOLOGY

OF

THOMAS JEFFERSON.

1781–1784.

1781.—Apr. 1.	At Richmond.
15.	Son dies.
May 14.	Leaves Richmond for Charlottesville.
28.	At Charlottesville.
June 1.	Resigns Governorship.
3.	Escapes capture at Monticello.
5.	Returns to Monticello.
	Assembly orders investigation of administration.
14.	Appointed Peace Commissioner by Continental Congress.
30.	Declines appointment.
?	Injured by fall from horse.
July	At Monticello.
?	Prepares part of Notes on Virginia.
Sept. 16.	At Monticello.
Oct. 28.	At Monticello.
Nov. 5.	At Richmond.
	Attends Assembly.
26.	Committee appointed to state charges against Jefferson.
30.	Elected delegate to Continental Congress.
Dec. 10.	Added to Committee on Finance.
12.	Voted the thanks of the Assembly.
14.	On Committee on County Petitions.
18.	On Committee to prepare Bill embodying resolutions of Assembly.
	On Committee to prepare Bill for better government of Western Counties.

1781.—Dec. 19.	Declines appointment to Congress.
20.	On Committee to revise Pension Bill.
	On Committee to draft Naval Bill.
21.	Granted Leave of Absence for remainder of session.
1782.—Mar. 24.	At Monticello.
Apr. 13.	At Charlottesville.
May 8.	Youngest daughter, Lucy Elizabeth, born.
20.	At Monticello.
Sept. 6.	Martha Wayles Jefferson, his wife, dies.
22.	At Monticello.
Oct. 24.	Ordered by Assembly into custody of Sergeant-at-Arms.
Nov. 6.	At Richmond.
	Attends Assembly in custody of Sergeant-at-Arms.
8.	Excused from attendance by Assembly.
12.	Appointed Peace Commissioner to Europe.
26.	At Ampthill, Chesterfield.
Dec. 19.	Leaves Monticello for Philadelphia.
27.	Arrives at Philadelphia.
1783.—Jan. 22.	At Philadelphia.
31.	At Baltimore preparing to embark for France.
Feb. 14.	Departure suspended.
28.	Leaves Baltimore.
4.	At Philadelphia.
Apr. 1.	Congress withdraws appointment.
11.	Leaves Philadelphia.
23.	At Richmond for a fortnight.
May 7.	At Tuckahoe.
15.	Arrives at Monticello.
June 6.	Elected delegate to Congress.
?	Drafts Constitution for Virginia.
17.	At Monticello.
July 18.	At Monticello.
Aug. 31.	At Monticello.
Oct. 12.	At Eppington.
15.	Leaves Monticello.
Nov. 3.	Arrives at Trenton.
4.	Attends Congress.
	Congress adjourns to Annapolis.
11.	At Philadelphia.
21.	Leaves Philadelphia.
25.	At Annapolis.
	Lodges at Mrs. Gheesland's.

1783—Dec. 13.	Attends Congress.
?	Drafts report on Unfinished Business.
16.	Appointed on Committee to report on Minister's letters.
16.	Reports on definitive Treaty.
?	Introduces resolutions relative to definitive Treaty.
20.	Reports on Minister's Letters.
22.	Report read.
	Reports on ceremonial for Washington.
23.	Seconds motion on letters.
24.	Makes motion for extra posts.
	On Committee on letters of Governor of Massachusetts.
27.	Reports on ratification of Treaty.
1784—Jan. 2.	Makes motion on British Treaty.
13.	On Committee on N. H. memorial.
14.	Reports ratification of British Treaty.
	Reports Proclamation of British Treaty.
21.	On Committee on N. H. memorial.
23.	Reports on Zebulon Butler.
29.	On Committee on Carlton's letter.
	Reports on Allan's letter.
30.	Reports on Committee of the states.
Feb. 11.	On Committee on French Minister's letter.
25.	Removes to "Mr. Delany's" house.
27.	Makes motions relating to papers.
Mar. 1.	Drafts deed of Virginia cession.
	Reports on Government for Western Territory.
5.	Reports on reduction of Civil list.
	Reports on Indians.
12.	Elected Chairman of Congress.
	On Committee on Qualifications.
16.	On Committee on Foreign letters.
19.	On Committee to report on Indian officers.
22.	Reports revised Government for Western Territory.
	Reports on Cession of Western Territory.
23.	Reports on arrears of interest.
24.	Congress considers report on Civil list.
	Committee on qualifications report.
	Moves resolutions for Commercial treaties.
30.	Reports on circular-letter regarding Treasury.
	Elected Chairman of Congress.
	Grand Committee reports circular-letter.

1784—Mar. 30.	Report on Foreign treaties considered.
Apr. 5.	Report on Arrears of interest considered.
	Prepares *Notes on a Money Unit.*
6.	Committee reports on Greene's letter.
12.	Report on Arrears of interest considered.
	Makes motion concerning Arrears of interest.
13.	Drafts resolution concerning Seat of Government.
14.	Makes motions relating to Seat of Government.
Apr. 15.	Makes motion concerning Steuben.
16.	Report on French letters considered.
19.	Report on Western Territory considered.
21.	Seconds motions to amend report on Western Territory.
22.	Seconds motion to amend report on Arrears of interest.
26.	Report on power of Committee of the States considered.
27.	Reports on Mercer.
30.	Reports draft of Land Ordinance.
30.	Reports on Commercial matters.
May 3.	Makes motion relating to secrecy of foreign papers.
16.	Committee reports on King of France's letter.
19–21.	Report on Western Territory considered.
21.	Makes motion to amend report on Western Territory.
22.	Report on Arrears of interest considered.
23.	Report on Western Territory considered and adopted.
26.	Report on committee of the States considered.
	Report on Arrears of interest considered.
29.	Report of Grand Committee on Western Territory considered.
30.	Congress considers report on Commercial matters.
May 3.	Makes motion of secrecy.
	On Committee to report on letters.
7.	Elected Minister to France.
	Committee accepts report on Continental bills.
	Reports *Instructions to Ministers.*
	Reports Ordinance for Western Lands.
	Reports revision of Treasury department.
11.	Leaves Annapolis.
14.	Arrives at Philadelphia.

1784—May 28.	Leaves Philadelphia.
29.	Arrives at Trenton.
30.	Arrives at New York.
June 5.	Leaves New York.
11.	At Hartford.
12.	At New London.
14.	At Newport.
17.	At Providence.
18.	At Boston.
23.	At Portsmouth, N. H.
26.	At Boston.
July 5.	Sails from Boston on ship *Ceres*.

THE WRITINGS OF

THOMAS JEFFERSON.

CORRESPONDENCE AND MISCELLANEOUS WRITINGS.

1781–1782.

TO MAJOR-GENERAL NATHANAEL GREENE. V. S. A.

RICHMOND, April 1st, 1781.

SIR,—I am honoured with your favour of the 27th by Mr. Daniel. I informed you by Colo Morris of the reinforcement of Militia ordered to you; but they will not be in Time to supply the place of those now with you if they leave you so early. Certainly the knowledge that a relief is coming in will induce them not to leave you in a State which may soon give us all to do over again. A part of these militia went under the regular orders of Government, and will be deemed Deserters if they withdraw without orders. The whole of them I presume went under orders from their County Lieutenants which are as obligatory as those of the Executive: how far par-

ticular stipulations may have been made with them I am uninformed. None could be made with those we ordered out. I shall use every exertion in my power to forward on the new levies to you, as I am sensible it is much more practicable to carry on a war with Militia within our own Country than out of it. I wrote you by Colo Morris on the subject of Beeves. He will give you full information of the Issue of our preparations against Arnold.

An Enemy 3000 strong, not a regular within our State, nor arms to put into the Hands of the militia are circumstances which promise Difficulties. Yet I shall think it essential to do everything we can for you to prevent the Return of Cornwallis's Army.

TO THE VIRGINIA DELEGATES IN CONGRESS. V. S. A.

IN COUNCIL. RICHMOND. April 6th, 1781.

GENTLEMEN,—I have received your letter informing us of the arrival of our Arms &c from Rhode Island at Philadelphia and must pray you immediately to send forward the packages within mentioned containing Arms &c, engaging Waggons for that purpose who shall be paid on their arrival here the price you contract to give them, and be protected from impresses while in this State. Tho we do not know the force of the Enemy now at Portsmouth yet the lowest accounts make 4000. This will satisfy you how urgent is our want of those Arms. It is impossible to give you an Idea of the Distress we

are in for want of Lead. Should this Army from Portsmouth come forth and become active (and as we have no reason to believe they came here to sleep) our Affairs will Assume a very disagreeable Aspect. The want of Arms and Military stores cannot be compensated by numbers of Militia as that of regular soldiers may.

Very considerable debts of a year or two's standing are due from Colo Finnie and his Deputies. The present Quartermaster refuses to pay them. Colo Finnie gives himself no trouble about them. His former Deputies are anxious to pay them, & we are willing to advance moneys to those Deputies for this purpose if Congress will give us their sanction. You will observe nothing was ever done by our Legislature in consequence of the Resolution of Congress of 26th May 1780. Will you be so good as to obtain the sanction of Congress for our paying these very clamorous & injured creditors through the former Deputy Quarter Master & this to be done immediately. Mr Ross our Commercial Agent, since the shutting up our bay finds it necessary to establish funds as far as possible in Philadelphia from which place all our clothing and necessaries for the Army must come. We ask the favour of you to be attentive to aid him whenever any remittances of money shall be intended to the Southward to have them to Mr. Ross's Agent there and draw on him for the amount which shall be paid here and to give them every other possible Assistance in that way. He is furnished so largely with Tobacco and State

money as to leave no doubt of a want of punctuality.

To what a deplorable State shall we be reduced if the Bay continues blocked up. Commerce both public and private is already taking its turn to Philadelphia, our Continental money is all gone or going off in that channel and no other resources for remittances to that place.

TO REV. JAMES MADISON.

RICHMOND. April 8th, 1781.

SIR,—I am authorized to inform you that a good Horse or two shall be furnished you by the public for your Journey. I think it would be unreasonable for us to expect the Pensylvania Commissioners to carry a Time-piece to Fort Pitt unless we should send one to Philadelphia which would be preposterous. I should be very unwilling to admit a Difference to be begun with them on this subject. I think in my letter to you I undertook to assure you that if the Time-piece of the College should receive such an Injury as could be repaired here, it should be repaired at the public Expense, and if it could not be repaired that the Instrument should be replaced as soon as peace shall have opened Importations to us, but indeed if carried in a covered waggon which shall be provided, well packed laid on a feather bed which you may find it necessary to carry for yourself or otherwise on straw or perhaps swung it cannot receive Injury. When it is considered that this Instru-

ment was given by the public, that the loan of it is now asked for a purpose important to the public Interest & in no small degree to Geographical science and that it goes insured by the Public I hope the temporary inconveniences which may result by possibility will not deprive the State of the benefit of it.

You mention in your Letter a Purpose of coming here shortly, let me take the liberty of entreating you to suffer the private Motives which were leading you here to be inforced by the public Object and to come immediately, as I wish much to be quite possessed of the Mode & Circumstances of transacting this Business, before I write to President Reid which I shall accordingly defer in Hopes of seeing you. It will probably shorten the Business if I can inform him what we have in Idea, what we can contribute &c. Besides this there is an other very interesting subject on which some others as well as myself wish a free conference with you. In hopes of seeing you immediately I shall add nothing more than I am with very great Esteem, &c.

TO MAJOR-GENERAL BARON STEUBEN. V. S. A.

IN COUNCIL April 10th, 1781.

SIR,—General Scott having obtained permission from the Commandant at Charlestown for the Shipping of Tobacco from this State to that post for the Relief of the Continental troops there of our line, sent me a copy of that Permission taken by his Bri-

gade Major. This paper not being sufficiently authentic to protect from Capture vessels which should go laden with Tobacco. I wrote to Major General Phillips to ask a Passport and received his answer extracts from both of which I now do myself the Honour of enclosing to you. By his letter you will perceive he proposes that the Regulations under which she goes shall be settled between yourself, himself and the British naval Commander here. General Phillips speaks in his letter of permitting a flagg vessel in the singular number. It was not my intention in the Application to fix it to a single vessel. The vessels we have it in our power to employ are so small that one of them laden with Tobacco would carry very little Relief.

It requires 100 Hogsheads of Tobacco a Month to pay off the Virginia line in Charlestown and they are a twelve month in Arrear and the debts that they have contracted are in proportion to those Arrears. We had proposed to send from six to nine hundred Hogsheads of Tobacco. I wish therefore that the permission could be regulated rather by the Tonnage than number of vessels.

Another Circumstance of difficulty is introduced by his Letter, which is, that an Officer from Portsmouth must go in the vessel; to this we have not the least Objection; but that he might expect to return in her, where as we can only procure vessels which would mean to pursue their mercantile objects to some other Port for Cargoes asking from Charlestown Protection of the flag till they should be clear

of their Coasts. Should the restriction to a vessel however be insisted on by the British Commander we should ultimately wish to urge that a Pilot Boat be permitted to attend her for the purpose of bringing back the Officers who necessarily go to attend to the Delivery of the Tobacco. As we have every Thing in readiness for sending this Relief to our prisoners and they are in extreme Distress, I will beg the favor of as early an Attention to the settlement of this matter as your business will permit you to bestow.

TO THE FRENCH MINISTER. V. S. A.

(CHEVALIER DE LA LUZERNE.)

RICHMOND. April 12th, 1781.

SIR,—I have the honour of your Excellency's favor of March 23d and shall with great pleasure communicate to our Citizens our prospect of Aid from his most Christian majesty to whom we are already so infinitely indebted. I assure you Sir that these prospects are necessary to inspirit them under the present aspect of their Affairs. We suppose one half of the Enemy's force in the United States to be to the Southward. Georgia and South Carolina have been long theirs and North Carolina however disposed convulsed by the ravages of two Armies her citizens are too much engaged in saving their families and Property to go in the American Army. I believe it may therefore with truth be said that the opposition to the two hostile Armies in North

Carolina and Virginia falls at present on Virginia only aided with about 500 Men from Maryland. While our Northern Brethren infinitely superior in numbers, in compactness, in Strength of Situation, in Access to foreign supplies, of necessaries, possessed of all the Arms & Military stores of the Continent, opposed by an Enemy not superior to Ours, have the protection of almost the whole of the Continental Army, with the very important addition of the Army and fleet of our Allies. A powerful Enterprise meditated by the Northwestern savages has obliged this State to have an Army of between two & three thousand Men collected at this Time at the Ohio. The Cherokees on our Southwestern corner take off the Aid of our most valuable Counties in that Quarter. To support General Greene and prevent the Enemy entering our Country on the South we are obliged to send the whole of our regulars and continual reliefs of Militia, and on our seaboard an enemy three thousand strong is firmly posted, has totally shut up the only door we had to commerce for either private or public purposes, and lays us under the necessity of keeping up two Armies of Militia to prevent their ravaging the adjacent country. Notwithstanding all this I believe from what I have lately seen that we should be substantially safe were our Citizens Armed, but we have not as many Arms as we have Enemies in the State.

Under such circumstances it is not easy to foretell events, and it is natural for our People to ask if they are to have no help from others.

Should any considerable part of the Union be abandoned to the Enemy, it must be in their hands very formidable to the future safety of the rest.

The Interests of our Allies, were an appeal to that Motive necessary, would place the Southern States ina point of View of some Importance, as presenting to them very fair Objects of Commerce. This consideration however was not wanting to draw to us the Aid of his Most Christian Majesty. The late efforts made for us by his fleet and army demonstrate that his Attention is not partial, and the hope held up in your letter of the 23d is a further proof.

The Northern States are safe: their independence has been established by the joint efforts of the whole. It is proved as far as testimony can prove anything that our Enemies have transferred every expectation from that Quarter, and mean nothing further there than a diversion in favour of their Southern Arms. It would be unfortunate indeed should it be again proposed to lose a Campaign on New York and to exhaust on that the efforts of the Confederacy as those of Spain on Gibralta, to give up provinces in the South for towns in the North. Should a superiority on the Continental seas be obtained by your fleet, it will save everything from North to South: If the Detachments of the British Army can once be insulated, they will be whittled down by the Militia, by famine, by sickness and desertion to nothing.

If they can be prevented availing themselves of an Army flying on the Wings of the wind to relieve the

labouring part acting in New York this week, in Portsmouth the next, in Charlestown the third, the Continental war would be totally Changed, and a single Campaign would strip them of the labours and laurels of half a dozen. Could the Enemies for instance at Portsmouth be excluded from the water, they might be blockaded by Land and must fall in a due course of Time without the Loss of a man on our part.

CIRCULAR LETTER TO THE COUNTY LIEUTENANTS. V. S. A.

In Council. April 12th, 1781.

Sir,—Having received an application from the Commanding Officer to strengthen our Army below, and being unwilling to harass the Militia more than shall be absolutely unavoidable, we are in hopes an immediate and sufficient Accession of force may be obtained by an Application to the several Counties for their delinquents in Militia Duty whom the Law sentences to six months service. Every County, we are Confident, must have a number of these, and the laying them under a Penalty is a Justice due to the better part of the County, on whom, without a strict Execution of the Law the whole Militia duties will fall.

These are now become too weighty not to be exacted equally and rigidly from all You will consider it as a standing part of the Duty of an Officer whom in my letter of the 30th of March 1781, you were desired to appoint for receiving recruits for the war to receive from time to time all persons of whatever Denomination sentenced to serve in the Army and instruct him to march them to this place whenever he shall have such a number as the distance and public necessity may render it expedient to march. The delinquents now particularly called for he must march immediately on their Receipts to Williamsburg. By executing this Requisition, justice will be done to the past services of the worthier part of the County, the tardy will be punished, due

obedience to the Laws ensured in future, the military duties justly and equally divided, & the necessity of an immediate call on you for more Militia prevented.

TO COLONEL OLIVER TOWLES. V. S. A.

RICHMOND April 14th, 1781.

SIR,—The same very disagreeable intelligence which you have been pleased to communicate to me of the Operations of our savage Enemy on the Potowmac has come to hand from several Parts of that River. Colo Skinner particularly has written on the subject of Arms. The Order I inclosed him tardy as the supply may be is the utmost it is in our power to do. From his letter we are to judge about a third of his Militia have Guns. These I suppose not to be very good, but they are unfortunately what we are obliged to have recourse to: the 200 stand from Annapolis for which I gave him an order are said to be very fine. The defence at Hunter's and the public Work at Fredericksburg are very important indeed and I hope will be very particularly attended to by the adjacent Counties. No Intelligence from Portsmouth gives us reason to believe that any regular forces have been sent on this expedition; so that we trust that it is less formidable than some representations make it. The worst is that a Country vulnerable in every Point is open to insult and depredation to even the smallest force, yet important points may we trust be guarded. In effecting this we rely on your Exertions being added, as we are assured they will be.

TO COLONELS SKINNER AND GARRARD. V. S. A.

RICHMOND. April 14th, 1781.

SIR,—I am exceedingly sorry to learn that the Enemy are committing such cruel depredations in your part of the Country; however it may tend to produce immoveable hatred against so detestable a nation and thereby strengthen our Union. Yet in the mean time it brings afflicting distress on Individuals and by diverting so great a Proportion of our force from their principal object leaves Atchievements in their power which otherwise could not be.

We had thrown the whole Burthen of Militia duty on the Southern Counties leaving those to the North quiet till they should get through the raising of their new levies. That being done we have set the Southern Counties on the same business and relied on our Northern Citizens to constitute the Opposition to the hostile army below. Thus deprived for two months of the Aid of the Southern Counties and so many of the Northern like to be diverted, our Army is reduced to less than a third of the number of our Enemy who of course may march wherever they please. Situated as you are we cannot say that the Men before called for must march at all events. We wish you to consider the above circumstances and viewing at the same time your own situation, to determine yourself whether the force called for can be spared without endangering your part of the Country. Every part being equally within our care we wish not to expose one for the defence of another. The

very important Works at and near Fredericksburg we must recommend to your particular protection, as also the saving all public Tobacco within your County. Sir John Peyton for us purchased lately at Baltimore about 200 Stand of Arms from Isaac and Adam Van Bibber and Co. They were brought to Annapolis in the vessels which brought on the Marquis Fayette's Detachment. Sir John Peyton has written to have them brought on by land, but he does not inform me to whom he has written. It is not in our Power to offer you any other supply of Arms but this. Were you to send some person in quest of these he would probably be able to meet with, or find them out and have them forwarded to you. His reasonable Expenses and those of Transportation shall be paid by the Public and the Arms when you get them may be applied under your care for the Defence of that part of the Country instead of the 150 formerly ordered which you have not received. I inclose you an order for these Arms.

N B in the letter to Colo. Garrard omit last paragraph.

TO DAVID JAMIESON.[1]

Apr. 16. 1781.

Sir,—The day is so very bad that I hardly expect a Council and there being nothing that I know of pressing, and Mrs. Jefferson in a situation in which I would not wish to leave her, I shall not attend today.

Should there be a board this case requires immedi-

[1] From a copy courteously furnished by Mr. D. McN. Stauffer.

ate attention. The Court of Albemarle on the resignation of John Coles, County Lieutenant & Nicholas Lewis Cole have passed by Reuben Lindsay who was Lt. Col. and a man of as much worth as any in the County, & of a temper fit for conciliating the minds of the people to the many harsh calls now made upon them, and have recommended (as report sais) John Marks to be County Lieut. who was formerly a junior captain & retired, not possessing an inch of property in the County or other means of obtaining influence over the people, and of a temper so ungovernable that instead of reconciling he will by his manner of executing revolt the minds of the people against the calls of government, and produce mutinies & difficulties when others would go through smoothly. As our power of redressing depends on our taking the Start, I would recommend if there be a board, the enclosed resolution. I do not know who are the two eldest captains. Reuben Lindsay I know is the Lt. Colo. and Chas Selburne Lewis the Major.

N. B.—The board, should there be one, can form their resolution without my being present. If the Commissions can be sent to me I can forward them to-day.

John Coles, County Lieutenant & Nicholas Lewis Cole, of Albemarle having resigned their commissions, the board advise that Reuben Lindsay the present Lt. Colo. be appointed County Lieutenant and Charles Selburne Lewis the present Major be appointed Colo. of the Militia of said County.

TO THE PRESIDENT OF PENNSYLVANIA. V. S. A.
(JOSEPH REED.)

IN COUNCIL. April 17th, 1781.

SIR,—I have been honoured with your Excellency's letter proposing the actual extension of our mutual boundary. I presume therefore that the propositions contained in the Resolutions of our Assembly of which I had the honour to communicate to your Excellency have been approved by your State and that the Boundaries are to be run on the principles therein proposed. No mode of determining the Extent of the five degrees of Longitude of Delaware river in the latitude of Mason & Dixon's Line having been pointed out by your Excellency I shall venture to propose that this be determined by Astronomical Observations to be made at or near the two extremities of the line as being in our opinion the most certain and unexceptional mode of determining that point which being fixed every thing else will be easy. Should this mode be approved by your Excellency we have appointed the Revd. James Madison as a Commissioner on our part to execute the work in the Western Quarter and the Revd. Robert Andrews to perform the office at the Eastern end in conjunction with the Gentlemen whom you have been pleased to appoint or any others on your part. To those before named we shall add an associate each that the work may not be retarded or frustrated by the sickness of one.

We will send to the Westward the most necessary Instruments which we suppose to be a good Time

piece and a transit Instrument and hope it will be convenient for you to furnish what may be necessary at the Eastern End; Our Commissioners will attend at their respective stations at any time which your Excellency may think proper to appoint allowing it to be a month after I shall have received your pleasure on that head.

I will observe to your Excellency that the Resolutions of our Assembly after laying down the principles on which the boundaries were to be extended gave full powers to the Executive as to time, manner, and all other Circumstances so that there will be no necessity of awaiting their meeting to lay before them the Resolutions of your Council as desired in your letter of February 26th.

TO THE PRESIDENT OF PENNSYLVANIA. V. S. A.
(JOSEPH REED.)

IN COUNCIL. April 18th 1781.

SIR,—I have had the pleasure to receive your Excellency's favour of March 27th and am to return you our sincere thanks for your Interposition in favour of Operations carrying on by General Clarke; operations which I hope will result equally to the benefit of yours as of our State, and which if successful will give us future quiet in our Western quarter. I beg you to be assured that Colo Broadhead has been altogether misinformed as to any restriction having been laid on a Mr Wilson or any other person in purchasing within the State Cattle for the use of

Fort Pitt or that if such a restriction actually took Place, it was a private Act in those who presumed to impose it unauthorized by government, and which would have been censured and rectified had it been made known. We are so sensible which [what?] would result from such a line of conduct and so sincerely disposed to render the Union of the States more perfect that we shall on all occasions endeavour to render to our neighbours every friendly office which circumstances shall bring within the compass of our powers.

I am further to thank your Excellency for the kind dispositions you entertain & the aids you were pleased to render to the expedition under the Marquis Fayette, which was intended for the immediate relief of this State in particular as well as for those furnished to General Greene for the Southern States in general.

Such is the general aspect of the war that it does not seem very probable its circumstances should be so reversed as to place us in a situation of returning the favour in kind; however we trust that while the contest was Northwardly our Contributions of Men and Arms and other necessaries were such as to prove we should not be wanting to our friends under a change of circumstances. With respect to your State particularly we shall take very great pleasure in cultivating every disposition to harmony and mutual Aid. That policy would be very unsound which should build our Interest or happiness on any thing inconsistent with yours.

TO COLONEL JAMES INNES. V. S. A.

RICHMOND April 21st, 1781.

SIR,—Within an hour after receiving your first Notification that the enemy were in movement we issued Orders to the militia of the Counties of Chesterfield, Prince George, Dinwiddie, Powhatan, Goochland, Hanover & Henrico to assemble immediately every man able to bear arms, and one half of those of Amelia and Cumberland and to bring with them the best Arms they had. They were to rendezvous at Petersburg and this place. Some volunteer Cavalry were also called for. These orders were communicated to Baron Steuben and the several letters of Information from you have been regularly & immediately forwarded to him. And I doubt not the moment the Militia come in and can receive (such as are unarmed) the Spare Arms from the South side of the River he will order them to your Assistance, now that it appears that yours is the post of their destination.

Tho' our orders calling out the Militia went out on Thursday morning not a man is yet assembled here. I am told the Powhatan Militia will be in to day. Certainly those of this County will be as early. This fatal Tardiness will I fear be as unfortunate to Williamsburg on this Occasion as it was for Richmond.

Be assured that no effort of ours for your Support shall be wanting and that the Resources of the Country as our powers will call them forth shall be applied to the relief of the part threatened. I must

entreat you to let us hear from you daily while the scene is so interesting.

P. S. You observe we said nothing of the militia of the Counties near Williamsburg because we supposed you would of course call for as many as you could arm.

TO COLONEL BENJAMIN HARRISON. V. S. A.

In Council. April 22d, 1781.

Sir,—We thought it best as I informed you in a former letter to call into service on this occasion the Militia whose families and property were not immediately exposed. Being circumscribed in our number of Arms it still appears best, that what we have should be put into the hands of those Militia. Were we to send any to Charles City we must dismiss so many Militia now collected here and at Manchester ; Experience has also shewn it preferable for another reason to put your Arms into the hands of those not exposed, because on the Enemy's coming into the exposed parts of the Country, the Militia of the neighbourhood will desert, carry off their Arms and perhaps suffer them to be taken off by the Enemy, we therefore think to retain the Militia collected & collecting here, who we expect every moment will receive marching orders from Baron Steuben & that yours should be permitted to take care of their families & property.

I am informed the Enemy have got possession of the ship-yard and that by the most unaccountable Inattention the Lewis & safeguard gallies have withdrawn up Chickahominy instead of James River.

TO MAJOR-GENERAL BARON STEUBEN V. S. A.

IN COUNCIL. April 22d, 1781.

SIR,—I inclose you two Letters just received from Colo Innes. We are in great anxiety for him. His force we are told is very considerably reduced by Desertion and he has no Cavalry. I make no doubt you see how far it is necessary to send him reinforcements & will order them accordingly. I have no return of the numbers of militia here; indeed it is changing every hour by the arrival of others; Report makes three or four hundred at this place & Manchester; The new raised Cavalry or a due proportion of it may perhaps be of singular use to him. We have determined to remove our Armourer's shop to the Fork of James River immediately. Colo Davies expects they will be at work there within ten days and that he shall be able to procure a very considerable number of hands there. Considering the greater security of that place than Powhatan Courthouse and the little probability from General Muhlenburg's letter of removing the Armourers from Broadwater, perhaps you will think it better that our Armourers should all be employed together at the Fork under Colo Davies's Direction than to send any part of them to Powhatan Courthouse.

We made a proposition to the Militia of Prince George, which we had reason to believe would have effected the immediate Completion of the work at Hood's. It was that any man of that County who would go or send an able Labourer to work there 12 days should have six weeks credit on his Tours of

Duty out of the County; Unfortunately the movements of the Enemy obliged us the very Next Day to call every man into the field Nevertheless if you think it more important you will be pleased to permit such of them to quit the Field, as chuse to comply with the proposition. One caution may perhaps be necessary: that is to order those Militia to a separate position from that of the other Counties, lest the restraining the offer to the Militia of Prince George might produce an Idea of partiality and give dissatisfaction to the rest. One County will suffice for the execution of this work and it would be improvident to make the proposition to more. I enclose you some Intelligence which at this time of depression we thought it would be well to put in hand Bills and communicate to both Armies. I send a parcel to Colo Innes's and trouble you with those for General Muhlenburg's.

I received a Letter from the Marquis Fayette today dated Baltimore April 17th: he was then coming on by forced marches for Virginia.

TO THE PRESIDENT OF CONGRESS.[1]

(SAMUEL HUNTINGTON.) J. MSS.

RICHMOND Apl 23d, 1781.

SIR,—On the 18th instant, the Enemy came from Portsmouth up James river in considerable force tho' their numbers are not yet precisely known to us.

[1] A letter to Washington, of the same date and tenor, is in Washington's edition, I, 304.

They landed at Burwells ferry below Williamsburg and near the mouth of Chickahominy above it. This latter circumstance obliged Colo Innes who commanded a body of militia, stationed on that side the river to cover the country from depredation, to retire upwards lest he should be placed between their two bodies. One of those entered Williamsburg on the 20th and the other proceeded to a Shipyard we had on Chickahominy. What injury they did there I am not yet informed. I take for granted they have burnt an unfinished 20 Gun ship we had there. Such of the stores belonging to the yard as were movable had been carried some miles higher up the river. Two small gallies also retired up the river. Whether by this either the stores or gallies were saved is yet unknown. I am just informed from a private hand that they left Wmsburg early yesterday morning. If this sudden departure was not in consequence of some circumstance of alarm unknown to us their expedition to Wmsburg has been unaccountable. There were no publick stores there but those which were necessary for the daily subsistence of the men there. Where they mean to descend next the event alone can determine. Besides harassing our militia with this kind of war, their being taken from their farms at the interesting season of planting their Corn will have an unfortunate effect on the crop of the ensuing year.

I have heard nothing certain of Genl. Greene since the 6th instant except that his headquarters were on little river on the 11th.

TO MAJOR-GENERAL BARON STEUBEN.[1]

RICHMOND, April 24th, ½ past 7 A.M.

SIR,—I have information this morning from Capt. Maxwell on his own view that the Enemy landed at Westover yesterday evening. If it be impossible that he should have been deceived, it is equally unaccountable that we are uninformed of it from the Videts sent. The movements of the Enemy up Chickataming obliged Col. Innes, incumbered with 20 Waggons with stores, and 100 sick, to cross Pamunkey at Ruffens Ferry: as soon as he has disposed of those, he will endeavour, if the movements of the Enemy render it proper, to retire towards this place; There are here about 200 Militia armed, and 300 unarmed, at Manchester there is I am told a larger number armed, but of this I have no proper information. The Militia of several Counties being here, I gave Col. Wood the command 'till you should be able to have them arranged as you should choose. He happened to be here on business, and it will be inconvenient to him to continue any time. Can the object of the Enemy be our Vessels at Osbornes? There are no public Stores *here*, and they have shewed that private depredation is not within their views.

Col. Southell shewed to Col. Wood and myself, your Orders of yesterday for the Militia to divide into two parties and go to the Long Bridge, and Turkey Isld. and to correspond with Col. Innes. But the Enemy having as is supposed landed at Westover, and Col. Innes crossed Pamunkey; it was thought

[1] Copied from the Sparks MSS., Harvard College.

advisable, that Col. Wood should await your orders on those new circumstances, supposed to be unknown to you at the date of your order. As soon as it is known that the Enemy are landed at Westover, and my presence here no longer necessary I shall cross the river either here or at Tuckahoe and keep in the neighbourhood on the other side. I shall be ready and happy to give you every aid from the civil power which may be necessary.

TO COLONEL VANMETER. V. S. A.

RICHMOND. April 27th, 1781.

SIR,—I have directed Mr. Woodrow to furnish money for the Bounty of the new Levies out of what was put into his hands for the removal of your Militia to Pittsburg.

I am sorry such a spirit of Disobedience has shewn itself in your county. It must be subdued. Laws made by common consent must not be trampled on by Individuals. It is very much the good to force the unworthy into their due share of Contributions to the public support, otherwise the burthen on them will become oppressive indeed. We have no power by the Law of raising Cavalry in the Counties generally, but on some similar occasions we have recommended to the County Lieutenants who have the power of forming their Militia companies as they please, to form into one Company such Individuals of their Militia as will engage to mount & equip themselves and to serve as mounted Infantry, & we give Commissions to the Officers in the ordinary

style. These may be used as effectually as Cavalry; & men on horseback have been found the most certain Instrument of public punishment.

Their best way too perhaps is not to go against the mutineers when embodied which would bring on perhaps an open Rebellion or Bloodshed most certainly, but when they shall have dispersed to go and take them out of their Beds, singly and without Noise, or if they be not found the first time to go again & again so that they may never be able to remain in quiet at home. This is what I must recommend to you and therefore furnish the Bearers with the Commissions as you desire.

If you find this service considerable you will of course give the Individuals Credit for it as a Tour of Duty.

TO MAJOR-GENERAL BARON STEUBEN. V. S. A.

RICHMOND. April 27th, 1781.

SIR,—One half the Cumberland Militia, and of those of Amelia, were ordered down. Some of the former have come in, I have ordered them to go to You, but what should be done with such of them as have no arms I think doubtful.

We have found by experience that the men of those Counties where the Enemy are, cannot be kept in the field, They desert and carry off their Arms. It also seems reasonable that such should be permitted to go to their homes, to withdraw or otherwise to take care of their families and property. Under this view it would seem right that as unarmed Militia come in from other Counties, we should dis-

charge those of Prince George, Dinwiddie & Chesterfield, next to these the Militia of Powhatan ; and lastly Henrico, Hanover, Goochland. Indeed those of Amelia & Cumberland were only meant to be kept in the field till those whom I formerly stated to you as intended for the service of May & June should come in. I would observe to you that Prince George, Dinwiddie, Chesterfield, Powhatan, Amelia and Cumberland have not yet got through the raising their new levies. These observations suffice to possess you of the general views of the Executive, and you will be pleased to regulate by them the Discharges of the Militia as far as circumstances will admit.

CIRCULAR LETTER TO MEMBERS OF THE GENERAL ASSEMBLY FOR THE COUNTIES OF FLUVANNA, ALBEMARLE, LOUISA, CAROLINE, KING WILLIAM, NEW KENT, CHARLES CITY, PRINCE GEORGE, DINWIDDIE, AMELIA, CUMBERLAND, POWHATAN, GOOCHLAND, HENRICO, HANOVER, AND CHESTERFIELD. V. S. A.

RICHMOND. May 1st, 1781.

SIR,—We deferred changing the place of calling the Assembly in hopes that every Day would give us a prospect of getting rid of the enemy in the neighborhood of Richmond.

The arrival of the Marquis Fayette with a detachment of Continental Troops, and the junction of our whole force together with his, has put these cowardly plunderers under way down the River and renders this place perfectly secure, so long as the Army retains its present position. Nevertheless as we know that Rumours have gone abroad very generally, that the enemy are in the vicinity of Richmond, and the Time of meeting of Assembly is too near to admit these to be corrected.

I take the liberty of particularly solliciting so many members of the nearer Counties as will suffice to make a House for adjourning from Day to Day, to attend punctually on the day of meeting, lest this general Rumour of Danger, should prevent the meeting of a sufficient number for adjournment, which would bring on a dissolution of the present Assembly and leave the State without one until the next regular Period of Election appointed by the Constitution. I hope that these reasons will excuse my earnest Sollicitation to you personally to attend on the first day of the session.

TO COLONEL JAMES INNES. V. S. A.

RICHMOND. May 2d 1781.

SIR,—Having received information that divers Citizens of this Commonwealth in the Counties of James City and York, have lately committed Acts, some of which amount to high Treason and others to Misprision of Treason, and that some tho' they may have been able to disguise and conceal their Transactions as that legal evidence cannot be obtained by which they may be subjected to prosecution for Treason or Misprision of Treason in a due course of law, yet have so conducted themselves as to furnish the most pregnant circumstances of Suspicion that they have been guilty of those offences, or are disaffected to the Independence of the United States, and will, whenever they shall have opportunity, aid or advise the measures of the public Enemy, which persons, in the critical situation of this Commonwealth, it is indispensably necessary to punish for their Crimes by way of Example to others and to disable from doing mischief: I must there-

fore, as you are proceeding to that part of the Country, desire and authorize you to make enquiry into the premises, and where you shall have probable cause to believe that any persons have been guilty of Treason or misprision of Treason, that there is legal evidence to commit them thereof, and that an examining Court can be had on them in the County where the offence was committed before there shall be any danger of a Rescue by the Enemy, you have them delivered to the Warrant of a Justice of the Peace, in order that they may be prosecuted in the usual Forms of law and be aiding in their safe conveyance to the public Jail in Richmond, if they be ordered to be conveyed: But where you shall be of Opinion that legal evidence cannot be obtained, that an examining Court cannot be procured in the County before there will be Danger of a Rescue by the Enemy and that there are pregnant circumstances of suspicion that they have been guilty of the offences of Treason or Misprision of Treason, or where there shall be pregnant causes of suspicion that persons in these Counties are disaffected to the Independence of the United States; and when occasion serves, aid or advise the Operations of the Enemy, that in those Cases you apprehend such Persons, & send them in safe Custody to the Jail of this County reporting to the Executive the facts and Circumstances of Suspicion whereon you proceed. In the executions of these Powers, I must recommend to You that you have no retrospect to any fact prior to the 17th of April last, being the day the Enemy embarked at

Portsmouth ; that you single out only those who have been foremost or most daring in their offences, and that even these be treated by those into whose hands they shall be committed with no Insult or Rudeness unnecessary for their safe Custody.

TO COLONEL ABRAHAM PENN. V. S. A.

RICHMOND May 4th, 1781.

SIR,—I am exceedingly sorry that the public Situation should be such as to render it necessary to call our Citizens from their farms at this interesting season of the Year. But the enemy will not suspend their operations till we can sow or reap, so that we must have our Army on foot as well at these as the other seasons of the Year. We have called on eleven Counties to furnish a reinforcement to Genl Greene, and hope it will be the last time we shall have occasion to require our Militia to go out of their own Country as we think it most advisable to put that distant disagreeable service on our Regulars, and to send them forward as fast as raised, and to employ our Militia on service in our own Country. And I am confident that if the Reinforcement of Militia now under orders to Genl Greene is marched, and serves the two months with him which is intended, that by that time he will be so reinforced by Regulars as to retain Possession of North and the greatest part of South Carolina, and thus to keep the war at a distance from us. On the contrary if he is not supported by the Militia until the Regulars can get to

him, he will be driven back and we shall have the war on us.

Of the eleven counties called on, seven have applied to be excused. You will immediately see, Sir, what would be the consequence of complying with their request.

The Executive have therefore been obliged to insist on the Requisition. Mr Henry has written on the same subject, as to Your County, but the grounds on which a Relaxation of the order is proposed, being met as every other County has or as would, go to a perpetual Exemption from Military duty, we cannot withdraw the Call.

Capt Baurt has engaged fifty horse to go for three months, but this is no equivalent for 250 Infantry to serve two months. I must therefore, Sir, rely on your zeal and activity to carry the former Requisition into Execution.

It is probable you may have among you some delinquent Militia who should by law serve six months, as a punishment for their Delinquency, these if sent with the Militia might be counted as part.

CIRCULAR LETTER TO THE COUNTY LIEUTENANTS OF LUNENBURG, MECKLENBURG, GREENSVILLE, BRUNSWICK, AMELIA AND CUMBERLAND. V. S. A.

RICHMOND May 8th, 1781.

SIR,—The British Army under Major Genl Phillips having landed at Brandon & meaning to press Southwardly; and Lord Cornwallis being now advancing Northwardly with a design probably of uniting their force; it behooves us immediately to turn

out from every County as many men as there are Arms to be found in the County, in order to oppose these forces in their separate State if possible; and if not to do it when combined: You will therefore be pleased with the Assistance of the Captains and Subalterns to collect immediately every fire Arm in Your County in anywise fit for military service, and to march so many men with these Arms in their hands to Prince Edward Court-house or to Taylor's ferry or Roanoke as shall be most convenient, having Respect to what you shall hear of the movements of the hostile armies and our army under Major General Marquis Fayette: The object of your Detachment being to join the latter, & keep clear of danger from the former. When you shall be possessed of the Arms, I think those men should be called on whose regular tour it is to go, unless any should offer voluntarily, in which case the service should be accounted to them as a Tour of Duty. The person who received any fire Arm must be noted by you and held accountable to the owner for its safe return, in which he will not be obstructed when he shall be discharged. When the Discharge will take place we cannot undertake to say. It is fixed that no tour shall exceed two months in the Field, but our expectation is that the present crisis will be over in a much shorter Time, and whenever it is over they shall be discharged. It is probable that this order will put it out of your power to proceed with your Draught: If so, be pleased to suspend it in it's present state, and to take it up again where you left off as soon as your men shall return.

Cavalry in a due proportion, being as necessary as Infantry, you will be pleased to permit and even encourage one tenth part of those who are to come into Duty, as above required, to mount & equip themselves as Cavalry. They must not be received however unless their Horses are good and fit for service. A short sword can be furnished them by the State, though if they can procure a proper one with other Equipments themselves they had better do it. Their Horses and Accoutrements shall be ensured by the public against everything but their own negligence, and they shall be allowed forage for them in addition to their own Pay & Rations. The future movement of the Enemy being uncertain, it is necessary for me to give general Direction to see that

all Horses fit for Cavalry which shall be at any time within twenty miles of the Enemy, and all other horses which shall be directly in their front be removed by their Owners ; or if they shall refuse or delay to do it, that then you have them taken by such persons as you shall appoint, and carried to Your camp, giving the Owners a Receipt and Description of them. I need not urge to you that the greatest Events hang on the Dispatch which is used in getting the Militia into the field. I am &c.

TO GENERAL WASHINGTON. J. MSS.

RICHMOND May 9th, 1781.

SIR,—Since the last letter which I had the honour of addressing to your Excellency the military movements in this State have scarcely merited communication except a very late one.

The Enemy after leaving Williamsburg came directly up James River & landed at city point being the point of land on the Southern side of the confluence of Appamattox & James Rivers. They marched up to Petersburg where they were received by Majr: Gen. Baron Steuben with a body of militia somewhat under 1000 who tho' the Enemy were 2300 strong disputed the ground very handsomely two hours during which time the Enemy gained only one mile and that by inches. Our troops were then ordered to retire over a bridge which they did in perfectly good order. Our loss was between sixty & seventy killed wounded and taken. The Enemys is unknown but it must be equal to ours : for their own honour they must confess this as they broke twice & ran like sheep 'till supported by fresh troops. An inferiority in number obliged our Force to with-

draw about 12 miles upwards 'till more militia should be assembled. The Enemy burnt all the tobo. in the Warehouses at Petersburg and its neighbourhood. They afterwards proceeded to Osbornes where they did the same & also destroyed the residue of the publick armed vessels & several of private property & then came to Manchester which is on the hill opposite this place.

By this time Majr: Genl Marquis Fayette having been advised of our danger had by forced marches got here with his detachment of Continental troops and reinforcements of militia having also come in the Enemy finding we were able to meet them on equal footing thought proper to burn the warehouses & Tobo. at Manchester & retire to Warwick where they did the same. Ill armed & untried militia who never before saw the face of an enemy have at times during the course of this war given occasions of exultation to our Enemies but they afforded us while at Warwick a little satisfaction in the same way. Six or eight hundred of their picked men of light infantry with Genl Arnold at their head having crossed the river from Warwick fled from a Patrole of 16 horse every man into his boat as he could some pushing North some South as their fears drove them. Their whole force then proceeded to the hundred being the point of land within the confluence of the two rivers embarked and fell down the river. Their foremost vessels had got below Burwells ferry on the 6th instant when on the arrival of a boat from Portsmouth & a signal given the whole crowded sail up

the river again with a fair wind & tide & came to anchor at Brandon; there six days provision were dealt out to every man; they landed and had orders to march an hour before day the next morning. We have not yet heard which way they went or whether they have gone, but having about the same time received authentic information that Ld Cornwallis had on the 1st instant advanced from Wilmington half way to Halifax we have no doubt putting all circumstances together but that these two armies are forming a junction.

We are strengthening our hands with militia as far as arms either publick or private can be collected, but cannot arm a force which may face the combined armies of the Enemy. It will therefore be of very great importance that Genl Waynes forces be pressed on with the utmost despatch. Arms & a naval force however are what must ultimately save us. This movement of our Enemies we consider as most perilous in its consequences.

Our latest advices from Genl Greene were of the 26th ult. when he was lying before Camden the works and garrison of which were much stronger than he had expected to find them.

TO THE SPEAKER OF THE HOUSE OF DELEGATES.

(BENJAMIN HARRISON.) V. S. A.

IN COUNCIL. May 10th, 1781.

SIR,—I have the honour to communicate to the General Assembly an Ordinance of Congress of the 5th Day of April last for establishing Courts for the trial of piracies & Felonies committed

on the high seas. Also certain Resolutions of Congress of the 16th & 23d of March on the Mode of paying debts and furnishing supplies of Money, and of the 20th of April relative to that part of Colo Hazens Regiment which belongs to this State.

In compliance with the Desire of Assembly expressed in their Resolutions of March the 7th I wrote to the Honble Major General Greene inclosing the said Resolution, and asking the favor of him to have such reports made to me as would enable me to proceed in the Execution of the Resolution. Copies of my letter and of his on the same subject, I now enclose, together with the copies of my letters to the Continental and State Quarter Masters who were employed in impressing Horses for the Enterprise meditated on Portsmouth. On the Discontinuance of that Enterprize most of the horses were returned to their owners, so that I am in hopes that the Inconveniences, which that important attempt had rendered necessary, are now reduced within very narrow limits. Full returns are not yet made so as to enable us to state what the Public stands engaged for on that account.

The injuries which have been sustained both public & private on the late incursion of the Enemy have been very considerable. That they were stopped in their progress before they had completed the Circle of Depredation which they had instituted, we are indebted to the spirited opposition of our Militia, which obliged the hostile Army to be cautious and slow in its movements, and ultimately to the great Exertions of the honble Major General Marquis Fayette, who being informed of our Danger pressed forward by very great and rapid marches and arrived at the place with his detachment of Continental Regulars when the Enemy were already on the opposite hills. On the junction of his force with that which we had assembled they thought proper to retire.

Their Approach had occasioned a total removal of the public Stores from this Neighbourhood. This circumstance with the Disorder into which they have of necessity been thrown renders impracticable at this Time a compliance with the Desire of Assembly expressed in the Resolutions of March 21st. that the Condition of the Department of the War office should be laid before them. The Commissioner of that office is using his

endeavours to have them stored and arranged at a more interior situation, which done he may be enabled to procure accurate Returns of them. How these insults and losses are to be prevented in future, or whether they can be prevented, are questions fit for the wise Discussion of the General Assembly. A country so intersected by navigable Waters can be defended by a naval force alone; and where the Resources of a nation are not equal to the equipment of a respectable Navy perhaps nothing better can be devized than Gallies constructed on plans approved by experience; But an Asylum for these Gallies seems as necessary as the Gallies themselves, during the time of their construction as well as after it. A Battery on each river at a proper position, protected by such works as would require a garrison of a single company only, would in the opinion of the most respectable military Characters among us, protect our vessels and in a favorable position would stop the passage of any enemy so long as to give time for the assembling of Militia, or marching an army to the support of the post. Those small works are certainly within the compass of our finances. Yet we have in vain attempted to have such erected on each river. It has been found that money will not procure laborers. A Militia of freemen cannot easily be induced to labour in works of that kind. Slaves are by the Law excluded from the Militia, and wisely as to that part of a Souldiers Duty which consists in exercise of Arms. But whether male slaves might not under proper regulations be subjected to the Routine of Duty as pioneers, and to other military Labours, can only be determined by the wisdom of the Legislature.

Very great misfortunes are likely to be brought on us by the tardiness of our citizens in driving off their stocks of cattle, & still more their horses, on the approach of an enemy; this negligince has enabled the enemy to take possession of some of the most valuable horses in the Commonwealth, and to establish a corps of horse, which from their number and quality may become very formidable to this State.

I think it is necessary to inform the General Assembly that the State is at present without an Engineer. Lt Colo Warneck, who formerly acted in that Capacity, was made prisoner by the

enemy at Westham, and should he be exchanged, it will remain questionable whether he shall resume the office. We have it in our power at present to engage Colo Senf, a gentleman eminent for his skill as an Engineer, his zeal and activity. But holding the Rank, Command and emoluments of a Colo in another State, with an assurance that the office will not be discontinued with the War, and it is not expected that he will relinquish these but on the offer of equal Terms from this State, which under the Act of Assembly of October 1776, the Executive are not authorized to engage. I cannot but add that I think he will be a valuable Acquisition and such a one as if lost will not easily be replaced.

Among the Losses which were sustained on the expedition of the enemy to this place in January last was that of all the Certificates of British sequestered property and paiment of British debts, which were kept among the papers of the Council. The entries in the books of the Auditors will doubtless supply them but lest any accident should happen to these, perhaps the General Assembly may think it prudent to direct the Certificates to be renewed under such cautions as be necessary to guard against duplicate certificates.

The Executive according to the desire of a former General Assembly, having appointed Mr Alexander Stewart to revise and report on the books of the late Colo. Wm Aylett, he has made a report which I have now the honor to enclose.

I am desired by Mr. Tyler to inform the General Assembly that he declines accepting the office of a Counsellor & by the honble Mr. Prentis to enclose to You his letter of Resignation.

TO COLONEL FLEMING AND BRIGADIER-GENERAL ANDREW LEWIS. V. S. A.

RICHMOND, May 13th, 1781.

SIR, — The General Assembly have adjourned themselves to meet at Charlottesville on the 24th instant at which Time and place I am desirous of having a Board of Council.

Colo Digges and Mr. Prentis and Mr. Tyler having resigned you will see the necessity which impells me to ask your attendance to make a Board.

TO MARQUIS MAJOR-GENERAL DE LA FAYETTE. V. S. A.

RICHMOND. May 14th, 1781.

SIR,—I was sorry that the situation of my family had occasioned my absence from this place when you were pleased to send Captn. Langhorne to me.

I enclose you a State of the Counties who have been called on to come into the Field, some of them to perform full Tour of Duty & others to make a present opposition to the junction of the two hostile armies. The delay and deficiencies of the first are beyond all expectation and if the calls on the latter do not produce sufficient Reinforcements to You I shall candidly acknowledge that it is not in my power to do any Thing more than to represent to the General Assembly that unless they can provide more effectually for the Execution of the Laws it will be vain to call on Militia. I could perhaps do something by Repremands to the County Lieutenants by repeating and even increasing the Demands on them by way of penalty. If you would be so good as to have returns made to me once a week or at any other stated periods of the particular number of men from each County. Without these we can never know what Counties obey our Calls, or how long your men are to continue with you so as to provide in time. From Hampshire and Shenandoah we expected many Riflemen. From Berkeley and Frederic some, and a few from Culpeper, Orange, Loudoun & Fauquier,

but what number may be expected I cannot even conjecture. One tenth of the whole force (except from the Counties of Frederic, Hampshire, Berkeley, Shenandoah, & Orange, who were called on before we had concluded on this measure) were desired to come prepared with the Horses to do duty as Cavalry. The militia which were called to do a full Tour were to join the Army wherever it should be. Those Counties called on to send as many men as they could send armed were to rendezvous at Richmond, Prince Edward Court House and Taylor's Ferry on Roanoke as should be most convenient where they were given to believe Orders would be lodged from you for their future movements. These men are collecting to their places of Rendezvous, so that they will need immediately such Orders as you should be pleased to give them. I have the pleasure to enclose to You the four Impress warrants, desired by Capt Langhorne.

Capt Maxwell called on me the 10th inst, and informed me he was building a few Boats at the Shipyard on Chickahominy. I desired him to send a good Batteau Builder to Colo Davies to superintend and direct a number of hands whom he would immediately put under him for building Batteaux for the River above the Falls, and that he would set all the rest of his people to building Boats for navigating the lower parts of the river, but so light and of such a form as that they might be moved on wheels, and that those should be built either here or above the Falls as Safety and Convenience should dictate. He left me with a promise to do so, and I expect he is

engaged in the Execution. His hands being to remove from the Shipyard there will of course occasion some delay.

The General Assembly having determined to meet at Charlottesville on the 22d inst renders it necessary for the Executive to prepare for removing there, and particularly for myself to go and see that provision be made for the Reception of the Public Boards & Records. I shall leave this place this Evening.

As a very frequent communication between yourself and the Executive will be necessary I have directed the State Quarter Master to station a line of Express Riders from your Camp to Charlottesville by whom you will be so good as to communicate your Wants from Time to Time under a full assurance that nothing in my power shall ever be wanting to supply them. Interesting events will always be acceptable whenever you shall have time to add them to a Letter or make them the subject of a special one.

P. S.—Lest anything should suffer which it is in power to prevent I have concluded to stay here this evening and to do myself the pleasure of calling on you at your Quarters tomorrow morning.

CIRCULAR LETTER TO THE PERSONS APPOINTED BY THE MARQUIS FAYETTE TO REMOVE HORSES OUT OF THE ROUTE OF THE ENEMY. V. S. A.

[May 15, 1781.]

Sir,—There being reason to apprehend that the two hostile Armies under Lord Cornwallis and Genl Phillips will form a junction and for that purpose pass through this State along the road from Petersburg to Halifax :

I instructed the Lieutenants of the Counties lying in that Route to give notice to the Inhabitants to remove all Horses fit for Cavalry within twenty miles of an Enemy's Army and all Draught horses lying in their Front and within the same distance and if they failed, to take possession of them and send them to the Army within this State.

Time having been now given for the execution of this Business lest there should be a Failure in the People, or in the County Lieutenants you are hereby authorized to proceed and to take such Horses described as aforesaid as you shall find within the limits specified, and moreover to proceed along the whole Route from Petersburg to Halifax as far as it lies within this Commonwealth and to require a removal of all such Horses within twenty miles of that Route, and on Failure of the Owners to comply with your Requisition within a short and reasonable Time, to take such Horses and retain them either for Public Service, or to be returned to the Owners as shall be here after directed. Should the Route of the Enemy be different from that expected as before mentioned you will be pleased to do in the vicinities of that Route what is prescribed before as to the other, for all of which this shall be your warrant. Given under my hand and the Seal of the Commonwealth at Richmond the 15th Day of May 1781.

TO GENERAL WASHINGTON.[1] J. MSS.

CHARLOTTESVILLE May 28th, 1781.

SIR,—I make no doubt you will have heard, before this shall have the honour of being presented to your Excellency, of the junction of Ld Cornwallis with the force at Petersburg under Arnold, who had succeeded to the command on the death of Majr. Genl Phillips. I am now advised that they have evacuated Petersburg, joined at Westover a reinforcement of 2000

[1] A letter to the President of Congress, of the same date, is of much the same tenor.

men just arrived from New york, crossed James River, and on the 26th instant, were three miles advanced on their way towards Richmond; at which place Majr Genl the Marquis Fayette, lay with three thousand men Regulars and militia: these being the whole number we could arm, until the arrival of the 1100 arms from Rhode Island, which are about this time at the place where our Public stores are deposited. The whole force of the Enemy within this State, from the best intelligence I have been able to get, is I think about 7000 men, infantry and cavalry, including, also, the small garrison left at Portsmouth: a number of privateers, which are constantly ravaging the Shores of our rivers, prevent us from receiving any aid from the Counties lying on navigable waters; and powerful operations meditated against our Western frontier, by a joint force of British, and Indian Savages, have as your Excellency before knew, obliged us to embody, between two and three thousand men in that quarter. Your Excellency will judge from this State of things, and from what you know of our country, what it may probably suffer during the present campaign. Should the Enemy be able to produce no opportunity of annihilating the Marquis's army a small proportion of their force may yet restrain his movements effectually while the greater part employed in detachment to waste an unarmed country and lead the minds of the people to acquiesce under those events which they see no human power prepared to ward off. We are too far removed from the other scenes of war to say whether

the main force of the Enemy be within this State. But I suppose they cannot anywhere spare so great an army for the operations of the field. Were it possible for this circumstance to justify in your Excellency a determination to lend us your personal aid, it is evident from the universal voice, that the presence of their beloved Countryman, whose talents have so long been successfully employed, in establishing the freedom of kindred States, to whose person they have still flattered themselves they retained some right, and have ever looked up as their dernier resort in distress. That your appearance among them I say would restore full confidence of salvation, and would render them equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution : The whole subject is before you of which I see only detatched parts ; and your judgment will be formed on a view of the whole. Should the danger of this State and its consequence to the Union be such as to render it best for the whole that you should repair to its assistance the difficulty would be how to keep men out of the field. I have undertaken to hint this matter to your Excellency not only on my own sense of its importance to us but at the solicitations of many members of weight in our Legislature which has not yet Assembled to speak their own desires.

A few days will bring to me that relief which the constitution has prepared for those oppressed with the labours of my office and a long declared resolu-

tion of relinquishing it to abler hands has prepared my way for retirement to a private station: still as an individual I should feel the comfortable effects of your presence, and have (what I thought could not have been) an additional motive for that gratitude, esteem, & respect with which I have the honour to be, your Excellency's most obedient humble servant.

TO THE SPEAKER OF THE HOUSE OF DELEGATES.

(BENJAMIN HARRISON.) V. S. A.

CHARLOTTESVILLE May 28 1781

SIR,—Since I had the honour of addressing the General assembly by Letter of the 14th. instant I have received a second Letter from the Honble Major General Greene on the subject of Cavalry and another in answer to one I had written communicating to him informations I had received as to the conduct of a particular office employed by him in impressing; which I transmit herewith.

I also inclose a letter which I have received since the same date from the Honble Dudley Digges resigning the office of a Member of the Council of State.

Further experience, together with recent information from the Commanding officer within this State, convinces me that something is necessary to be done to enforce the calls of the Executive for militia to attend in the field. Whether the deficiencies of which we have had reason to complain proceeded from any backwardness in the militia themselves or from a want of activity in their principal officers, I do not undertake to decide. The Laws also to which they are subject while in the field seem scarcely coercive enough for a state of war.

The Commanding officer also represents that great evils and dangers are to be apprehended from the Total want of authority of the military power over citizens within the vicinities of his and of the enemies encampments. Many of them tho' well disposed are led by an attachment to their property to remain within the

power of the enemy and are then compelled to furnish horses, procure provisions, serve as guides and to perform other offices in aid of their operations: while others of unfriendly disposition become spies and intelligencers and if taken in the very fact are not subject to that speedy justice which alone can effectually deter. He supposes that the Lives of our Soldiers and citizens entrusted to his care might be rendered much more secure by some legal provision against the unrestricted right of passing to & fro in the neighborhood of the encampments and by subjecting the inhabitants within some certain distance to such immediate trial & punishment for leading attempts against the safety of our army or in aid of that of our enemies as the rights of the citizen on the one hand & necessaties of war on the other may safely admit.

TO MAJOR-GENERAL MARQUIS DE LA FAYETTE.

V. S. A.

CHARLOTTESVILLE May 31st 1781

SIR,—I had the honor last night of receiving your favor of the 28th from Goldmine Creek and this morning that of the 29th. I shall be very happy indeed if against such a superiority of Cavalry you shall be able to keep out of the way of the enemy till you are fully inforced. I imagine Genl Weedon's observation as to his want of power to call forth the Militia respects the Counties round about Fredericksburg; but all those on the South side of the Rappahannock have been called on by the Executive, and to those on the North Side, they may be called on under our Invasion Law, which directs that the Commanding Officer of the Militia of any County hearing of the approach of an enemy shall call on so many circumjacent Counties as he shall think necessary, which Counties by their officers are obliged to obey

his call. I have the pleasure to inform you that Mr Ross's Agent in Philadelphia on the 9th instant forwarded 275 Stand of Arms and a ton of Powder to Fredericksburg; on the 11th he forwarded another stand of Arms; on the 18th he forwarded 600 stand of Arms, and by this time expected the remainder of 2000 engaged from Congress by the board of War. I must pray you to take such measures through Genl Weedon or otherwise as may secure these Stores from falling into the hands of the enemy and moving them to where they may be useful to you. Your knowledge of the movements of the enemy will enable you to do this with safety whereas at the distance I am from them my orders however proper when given might by a change of their route lead the Arms into their way. Besides the preceding Arms Genl Washington has sent on 1000 Stand, and the board of War were sending on 2000 more from Springfield. As to the eleven hundred and odd stand which lately came on from Rhode Island the property of this State, I desired Colo Davies after delivering to Baron Steuben as many as he has new Recruits to return the rest for the Militia of your camp. Will you be so good as to advise him by what route you will have them sent to Your camp or to what other place. Two hundred of them being yet in your neighborhood I have ordered them for present safety to Rockfish Gap from which place they will be moved according to any order you may give.

With respect both to those Arms and the new levies, I am desired to communicate to you the en-

closed Resolution of General Assembly. The representation there directed of the present State, quantity and condition of the public Arms would be unnecessary to you who know already more than I do, nor can anybody be more sensible than yourself of the reasons which urge the detention of the new Levies till other effectual force can be assembled. I shall therefore in compliance with resolution only add my desire that you will be pleased to retain all those Arms within the State for its particular defence.

Two days before the Receipt of your letter of the 28th I had dispatched one to you inclosing eight Impress Warrants, to provide horses from the Counties contiguous to the enemy's line of march. The Assembly used this undefined Expression in order to give you a latitude to Impress, knowing that a precise circumscription might defeat their intention altogether. This therefore anticipated your desire expressed in that letter of extending your power 50 miles around. It also takes in your second request in the Letter of the 20th to authorize Colo White to impress on the South side of James River. The Counties through which the Enemy marched or bordered on them are within the extent of the Impress warrants sent you, one of which being given to Colo White will authorize him to impress in Amelia, Powhatan, Chesterfield, Dinwiddie, Prince Edward, Brunswic and the other Counties there abounding in good horses. I will immediately direct the County Superintendants to collect all accoutrements for horses belonging to the Public in their Counties and

to send them to such place as Col White shall appoint & in the mean time to Your camp.

The prisoners of war in the State are most of them in the hands of Colo Holmes, Continental Commissary of prisoners at Winchester. There are a few at Staunton. Your orders to either place will be effectual.

TO MAJOR-GENERAL MARQUIS LA FAYETTE.[1] J. MSS.

MONTICELLO Aug 4, 1781.

SIR,—I am much obliged by the trouble you took in forwarding to me the lre of his Excy the pr of Congr. It found me in Bedford 100 miles Southwd of this where I was confined till within these few days by an unfortunate fall from my horse. This has occasioned the delay of the answer which I now take the liberty of enclosing to you as the confidential channel of conveyance pointed out by the President. I thank you also for your kind sentiments & friendly offers on the occasion, which that I cannot avail myself of has given me more mortification than almost any occurrence of my life. I lose an opportuity the only one I ever had, and perhaps ever shall have of combining public service with private gratification; Of seeing countries whose improvements in science, in arts, & in civilization it has been my fortune to admire at a distance but never to see and at the same time of lending further aid to a cause which has been handed on from it's first organization to its present stage by every effort of which my poor faculties were

[1] Jefferson resigned his office of Governor June 1, 1781. On June 15th he was appointed by the Continental Congress one of four commissioners to negotiate a peace in Europe, but he declined the appointment.

capable. These however have not been such as to give satisfaction to some of my countrymen & it has become necessary for me to remain in the state till a later period in the present year, than is consistent with an acceptance of what has been offered me. Declining higher objects therefore my only one must be to show that suggestion and fact are different things & that public misfortunes may be produced as well by public poverty and private disobedience to the laws as by the misconduct of public servants. The independance of private life under the protection of republican laws will I hope yield me that happiness from which no slave is so remote as the minister of a commonwealth. From motives of private esteem as well as public gratitude I shall pray it to be your lot in every line of life as no one can with more truth subscribe himself with the highest regard & respect Sir your mo obedient & mo hble servt.

TO EDMUND RANDOLPH.

MONTICELLO Sep 16, 1781.

DEAR SIR,—I have recd your letter of the 7th inst. That mentioned to have been sent by the preceding post has not come to hand nor two others which Mrs. Randolph informs me you wrote before you left Virginia nor indeed any other should you have been so kind as to have written any other.

When I received the first letter from the President of Congress inclosing their resolution, & mentioning the necessity of an expeditious departure, my determination to attend at the next session of assembly

offered a ready & insuperable obstacle to my acceptance of that appointment & left me under no necessity of deliberating with myself whether that objection being removed, any other considerations might prevent my undertaking it. I find there are many and must therefore decline it altogether. Were it possible for me to determine again to enter into public business there is no appointment whatever which would have been so agreeable to me. But I have taken my final leave of everything of that nature. I have retired to my farm, my family & books from which I think nothing will evermore separate me. A desire to leave public office with a reputation not more blotted than it has deserved will oblige me to emerge at the next session of our assembly & perhaps to accept of a seat in it, but as I go with a single object, I shall withdraw when that shall be accomplished.

I should have thought that N. Carolina rescued from the hands of Britain, Georgia & almost the whole of S. Carolina recovered, would have been sufficiently humiliating to induce them to treat with us. If this will not do I hope the stroke is now hanging over them which will satisfy them that their views of Southern conquest are likely to be as visionary as those of Northern. I think it impossible Ld Cornwallis should escape. Mrs. Randolph will be able to give you all the news on the subject as soon as you shall be able to release her from others. I am with much esteem Dr Sir your friend & servt.

P. S. Pray let me know whether you will want Collé another year. Mrs. Randolph supposes not, but could not positively determine me.

TO GENERAL WASHINGTON. J. MSS.

MONTICELLO Oct 28, 1781.

SIR,—I hope it will not be unacceptable to your Excy to receive the congratulations of a private individual on your return to your native country & above all things on the important success which has attended it.[1] Great as this has been however it can scarcely add to the affection with which we have looked up to you, and if in the minds of any the motives of gratitude to our good allies were not sufficiently apparent, the part they have borne in this action must amply evince them. Notwithstanding the state of perpetual decrepitude to which I am unfortunately reduced, I should certainly have done myself the honour of paying my respects to you personally. But that I apprehend these visits which are meant by us as marks of our attachment to you must interfere with the regulations of a camp and be particularly inconvenient to one whose time is too precious to be wasted in ceremony.

I beg you to believe me among the sincerest of those who subscribe themselves your Excy's mo ob, & mo hble servt.

TO MAJOR-GENERAL HORATIO GATES. J. MSS.

RICHMOND Dec 14, 1781.

DEAR SIR,—I have received your friendly letters of Aug 2. & Nov 15. and some of the gentlemen to whom you wished them to be communicated, not being here, I have taken the liberty of handing them to some

[1] The capitulation of Cornwallis.

others, so as to answer the spirit of your wish. It seems likely to end as I ever expected it would, in a final acknowledgment that good dispositions & arrangements will not do without a certain degree of bravery and discipline in those who are to carry them into execution. This, the men whom you commanded, or the greater part of them at least, unfortunately wanted on that particular occasion. I have not a doubt but that on a fair enquiry, the returning justice of your countrymen will remind them of Saratoga and induce them to recognize your merits. My future plan of life scarcely admits a hope of my having the pleasure of seeing you at your seat; yet I assuredly shall do it should it ever lie within my power, and am assured that Mrs. Jefferson will join me in sincere thanks for your kind sentiments & invitation, & in expressions of equal esteem for Mrs. Gates and yourself, and in a certain hope that should any circumstance lead you within our reach you will make us happy by your company at Monticello. We have no news to communicate. That the assembly does little, does not come under that description.

TO JAMES MADISON. J. MSS.

MONTICELLO Mar. 24, 1782.

DR. SIR,—I have recd from you two several favours on the subject of the designs against the territorial rights of Virginia.[1] I never before could comprehend on what principle our right to the

[1] See *Papers of James Madison*, 1, 102; 106.

Western country could be denied which would not at the same time subvert the rights of all the states to the whole of their territory. What objections may be founded on the charter of N. York I cannot say, having never seen that charter nor been able to get a copy of it in this country. I had thought to have seized the first leisure on my return from the last Assembly to have considered & stated our right and to have communicated to our Delegates or perhaps to the public so much as I could trace, and expected to have derived some assistance from ancient MSS. which I have been able to collect. These with my other papers & books however had been removed to Augusta to be out of danger from the enemy & have not yet been brought back. The ground on which I now find the question to be bottomed is so unknown to me that it is out of my power to say anything on the subject. Should it be practicable for me to procure a copy of the charter of N. Y., I shall probably think on it, and would cheerfully communicate to you whatever could occur to me worth your notice. But this will probably be much too late to be of any service before Congress, who doubtless will decide ere long on the subject. I sincerely wish their decision may tend to the preservation of peace. If I am not totally deceived in the determination of this country the decision of Congress if unfavourable, will not close the question. I suppose some people on the Western waters who are ambitious to be Governors &c. will urge a separation by authority of Congress: but the bulk of the people Westward are

already thrown into great ferment by the report of what is proposed, to which I think they will not submit. This separation is unacceptable to us in form only & not in substance. On the contrary I may safely say it is desired by the Eastern part of our country whenever their Western brethren shall think themselves able to stand alone. In the meantime on the petition of the Western counties a plan is digesting for rendering their access to government more easy. I trouble you with the inclosed to Monsr. Marbois. I had the pleasure of hearing that your father & family were well yesterday, by your brother who is about to study the law in my neighborhood. I shall alwais be glad to hear from you; & if it be possible for me, retired from public business to find anything worth your notice, I shall communicate it with great pleasure.

I am with sincere esteem Dr. Sir your friend & servt.

TO THE GOVERNOR OF VIRGINIA.[1]

(BENJAMIN HARRISON.)

CHARLOTTESVILLE. April, 13 1782.

Sir,—The legion of Colo Armand which was stationed here to be refitted for service has for some time been on sufferance for provisions. Flour they have had & still have, but of animal food the supplies have almost totally failed, and failed from a cause which is without remedy, that is, the want of it in the

[1] From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

neighborhood. The former calls for beef by fifteenths and tenths had reduced the stocks of cattle here in common with those in the other parts of the country; & that of the sixth which was punctually complied with here has left the people without beef for their own use. It never was a country abounding with pork, few raising more than served their own families. In this situation I fear their supplies of animal food will become worse instead of better. Forage has been brought in pretty plentifully till within these few days; but now that also fails, the season being come on in which most of the farmers begin to be out of that article. These things have induced Colo. Armand to think of changing his quarters, and as Genl. Washington's orders seem to restrain him from going any distance from hence, he has cast his eyes on Staunton. By information from the inhabitants of that place it seems probable his legion might be subsisted there, could he have the aid of the Specific tax of the county in which it is. As your Excellency had favored him with the aid of that resource in this country, we are in hopes the same may be extended to him there. It really seems necessary, to render the horses fit for the field, that they should be removed to some place where better supplies of forage may be had. Their situation will no doubt be represented to you by Colo. Armand, who wished me to trouble you on this subject also, as being able to give you some information as to the circumstances of this neighborhood & the little probability there is of his situation being bettered here. It must give your

Excellency satisfaction I am sure to be informed that Colo. Armand has been very successful in recruiting, taking for granted that his recruits in this state will be applied to it's credit as part of it's quota.

TO COLONEL JAMES MONROE. J. MSS.

MONTICELLO May 20, 1782.

DEAR SIR,—I have been gratified with the receipt of your two favours of the 6th & 11th inst.[1] It gives me pleasure that your county has been wise enough to enlist your talents into their service. I am much obliged by the kind wishes you express of seeing me also in Richmond, and am always mortified when anything is expected from me which I cannot fulfill, & more especially if it relate to the public service. Before I ventured to declare to my countrymen my determination to retire from public employment, I examined well my heart to know whether it were thoroughly cured of every principle of political ambition, whether no lurking particle remained which might leave me uneasy when reduced within the limits of mere private life. I became satisfied that every fibre of that passion was thoroughly eradicated. I examined also in other views my right to withdraw. I considered that I had been thirteen years engaged in public service, that during that time I had so totally abandoned all attention to my private affairs as to permit them to run into great disorder and ruin, that

[1] Informing him that the people have "frequently elected you . . . to please you, but now that they had called you forth into public office to serve themselves." *Cf.* Washington's edition, I, 316.

I had now a family advanced to years which require my attention & instruction, that to these were added the hopeful offspring of a deceased friend whose memory must be forever dear to me who have no other reliance for being rendered useful to themselves & their country, that by a constant sacrifice of time, labour, loss, parental & family duties, I had been so far from gaining the affection of my countrymen, which was the only reward I ever asked or could have felt, that I had even lost the small estimation I before possessed. That however I might have comforted myself under the disapprobation of the well-meaning but uninformed people yet that of their representatives was a shock on which I had not calculated: that this indeed had been followed by an exculpatory declaration. But in the meantime I had been suspected & suspended in the eyes of the world without the least hint then or afterwards made public which might restrain them from supposing that I stood arraigned for treason of the heart and not merely weakness of the head; and I felt that these injuries, for such they have been since acknowledged had inflicted a wound on my spirit which will only be cured by the all-healing grave. If reason & inclination unite in justifying my retirement, the laws of my country are equally in favor of it. Whether the state may command the political services of all it's members to an indefinite extent, or if these be among the rights never wholly ceded to the public power, is a question which I do not find expressly decided in England. Obiter dictums on the subject I have indeed met

with, but the complexion of the times in which these have dropped would generally answer them, besides that this species of authority is not acknowledged in our profession. In this country however since the present government has been established the point has been settled by uniform, pointed & multiplied precedents. Offices of every kind, and given by every power, have been daily & hourly declined & resigned from the declaration of independance to this moment. The genl assembly has accepted these without discrimination of office, and without ever questioning them in point of right. If a difference between the office of a delegate & any other could ever have been supposed, yet in the case of Mr. Thompson Mason who declined the office of delegate & was permitted so to do by the house that supposition has been proved to be groundless. But indeed no such distinction of offices can be admitted. Reason and the opinions of the lawyers putting all on a footing as to this question and so giving to the delegate the aid of all the precedents of the refusal of other offices. The law then does not warrant the assumption of such a power by the state over it's members. For if it does where is that law? nor yet does reason, for tho' I will admit that this does subject every individual if called on to an equal tour of political duty yet it can never go so far as to submit to it his whole existence. If we are made in some degree for others, yet in a greater are we made for ourselves. It were contrary to feeling & indeed ridiculous to suppose that a man had less right in

himself than one of his neighbors or indeed all of them put together. This would be slavery & not that liberty which the bill of rights has made inviolable and for the preservation of which our government has been charged. Nothing could so completely divest us of that liberty as the establishment of the opinion that the state has a *perpetual* right to the services of all it's members. This to men of certain ways of thinking would be to annihilate the blessing of existence; to contradict the giver of life who gave it for happiness & not for wretchedness; and certainly to such it were better that they had never been born. However with these I may think public service & private misery inseparably linked together, I have not the vanity to count myself among those whom the state would think worth oppressing with perpetual service. I have received a sufficient memento to the contrary. I am persuaded that having hitherto dedicated to them the whole of the active & useful part of my life I shall be permitted to pass the rest in mental quiet. I hope too that I did not mistake the modes any more than the matter of right when I preferred a simple act of renunciation to the taking sanctuary under those disqualifications (provided by the law for other purposes indeed, but which affording asylum also for rest to the wearied. I dare say you did not expect by the few words you dropped on the right of renunciation to expose yourself to the fatigue of so long a letter, but I wished you to see that if I had done wrong I had been betrayed by a semblance of right at least.

I take the liberty of inclosing to you a letter for Genl Chattelux for which you will readily find means of conveyance. But I meant to give you more trouble with the one to Pelham who lives in the neighborhood of Manchester & to ask the favor of you to send it by your servant express which I am in hopes may be done without absenting him from your person but during those hours in which you will be engaged in the house. I am anxious that it should be received immediately. Mrs Jefferson has added another daughter to our family. She has been ever since & still continues very dangerously ill. It will give me great pleasure to see you here whenever you can favor us with your company. You will find me still busy but in lighter occupations. But in these & all others you will find me to retain a due sense of your friendship & to be with sincere esteem, Dr Sir

Your mo ob & mo hble servt.

P. S. did you ever receive a copy of the Parl. debates & Histor. Register with a letter left for you with Mr Jas. Buchanan?

TO THE GOVERNOR OF VIRGINIA. V. S. A.

(BENJAMIN HARRISON.)

MONTICELLO Sep. 22. 1782.

SIR,—I do myself the honour of inclosing you a letter received from Mr Thomas Smith as agent for Mr Nathan. I have no idea that the laws, as they stand at present, can give him an action against me for assumpsits of public debts, made in council & so

expressed with their unanimous advice, and this in the presence of Mr Nathan, who knew the debts to be public, who applied to me as a public officer for paiment, and who has never before pretended to consider it but as a public affair. And even were it possible that the present laws should leave me exposed to shipwreck where there never was anything in the nature of a private assumpsit, I suppose it not possible they should be permitted to remain so. The purpose of the present trouble I give your Excellency is to ask whether, should any suit be brought against me, I may take the liberty of remitting the defence wholly to the public whose concern alone it is? I had had some thoughts of abstracting myself awhile from this state by a journey to Philadelphia or somewhere else Northwardly; but I suppose it would not be safe for me to leave a state by whose laws I must certainly be protected & trust myself in another where that protection would be doubtful.

TO ROBERT R. LIVINGSTON. J. MSS.

CHESTERFIELD Nov. 26 1782.

SIR,—I received yesterday the letter with which you have been pleased to honour me inclosing the resolution of Congress of the 12th inst renewing my appointment as one of their ministers plenipotentiary for negotiating a peace, and beg leave through you to return my sincere thanks to that august body for the confidence they are pleased to repose in me and to tender the same to yourself for the obliging man-

ner in which you have notified it. I will employ in this arduous charge with diligence and integrity the best of my poor talents, which I am conscious are far short of what it requires. This I hope will ensure to me from Congress a kind construction of all my transactions, and it gives me no small pleasure that my communications will pass through the hands of a gentleman with whom I have acted in the earlier stages of this contest & whose candor & discernment I had the good fortune then to prove and to esteem. Your letter finds me at a distance from home, attending my family under inoculation. This will add to the delays which the arrangement of my particular affairs would necessarily occasion. I shall lose no moment however in preparing for my departure and shall hope to pay my respects to Congress & yourself at sometime between the 20th & the last of December.

TO JAMES STEPTOE. J. MSS.

Nov 26, 1782.

DEAR SIR,—I received in August your favour wherein you give me hopes of your being able to procure for me some of the big bones. I should be unfaithful to my own feelings were I not to express to you how much I am obliged by your attention to the request I made you on that subject. A specimen of each of the several species of bones now to be found is to me the most desirable object in natural history, and there is no expense of package or of safe transportation which I will not gladly

reimburse to procure them safely. Elk horns of very extraordinary size, or anything else uncommon would be very acceptable. New London in Bedford Staunton in Augusta or Fredericksbg, are places from whence I can surely get them. You will hear of my being gone to Europe, but my trip there will be short. I mention this, lest you should hesitate forwarding any curiosities to me. Any observations of your own on the subject of the big bones or their history or on anything else in the Western country will come acceptably to me, because I know you see the works of nature in the great, & not merely in detail. Descriptions of animals, vegetables, minerals, or other curious things, notes as to the Indians, information of the country between the Mississippi & waters of the South Sea &c. &c. will strike your mind as worthy being communicated. I wish you had more time to pay attention to them.

I perceive by your letter you are not unapprized that your services to your country have not made due impression on every mind. That you have enemies you must not doubt when you reflect that you have made yourself eminent. If you meant to escape malice you should have confined yourself within the sleepy line of regular duty. When you transgressed this and enterprised deeds which will hand down your name with honor to future times, you made yourself a mark for malice & envy to shoot at. Of these there is enough, you know, both in & out of office. I was not a little surprised however to find

one person hostile to you, as far as he has personal courage to show hostility to any man. Who he is you will probably have heard, or may know him by this description—as being all tongue, without either head or heart. In the variety of his crooked schemes however his interests may probably veer about so as to put it in your power to be useful to him, in which case he certainly will be your friend again if you want him. That you may long continue a fit object for his enmity and for that of every person of his complexion in the state, which I know can only be by your continuing to do good to your country & to acquire honour to yourself is the earnest prayer of one who subscribes himself, with great truth & sincerity, Your friend & servt.

TO FRANÇOIS JEAN, CHEVALIER DE CHASTELLUX. J. MSS.

AMPTHILL Nov 26, 1782.

DEAR SIR,—I received your friendly letters of—— and June 30 but the latter not till the 17th of Oct. It found me a little emerging from the stupor of mind which had rendered me as dead to the world as she was whose loss occasioned it.[1] Your letter recalled to my memory that there were persons still living of much value to me. If you should have thought me remiss in not testifying to you sooner how deeply I had been impressed with your worth in the little time I had the happiness of being with you you will I am sure ascribe it to it's true cause the state of

[1] The death of Mrs. Jefferson.

dreadful suspense in which I had been kept all the summer & the catastrophe which closed it. Before that event my scheme of life had been determined. I had folded myself in the arms of retirement, and rested all prospects of future happiness on domestic & literary objects. A single event wiped away all my plans and left me a blank which I had not the spirits to fill up. In this state of mind an appointment from Congress found me, requiring me to cross the Atlantic. And that temptation might be added to duty I was informed at the same time from his Excy the Chevalier de Luzerne that a vessel of force would be sailing about the middle of Dec. in which you would be passing to France. I accepted the appointment and my only object now is so to hasten over those obstacles which would retard my departure as to be ready to join you in your voyage, fondly measuring your affections by my own & presuming your consent. It is not certain that by any exertion I can be in Philadelphia by the middle of December. the contrary is most probable. But hoping it will not be much later and counting on those procrastinations which usually attend the departure of vessels of size I have hopes of being with you in time. This will give me full leisure to learn the result of your observations on the natural bridge, to communicate to you my answers to the queries of Monsr de Marbois, to receive edification from you on these and on other subjects of science, considering chess too as a matter of science. Should I be able to get out in tolerable time and any extraordinary delays

attend the sailing of the vessel I shall certainly do myself the honor of waiting on his Excy Count Rochambeau at his Head quarters and assuring him in person of my high respect and esteem for him—an object of which I have never lost sight. To yourself I am unable to express the warmth of those sentiments of friendship & attachment with which I have the honour to be, Dr Sir,

Your most obedt & mo hble servt.

TO JAMES MADISON. J. MSS.

AMPTHILL IN CHESTERFIELD Nov 26, 1782.

DEAR SIR,—Your favour by Colo Basset is not yet come to hand. The intimation through the attorney I received the day before Colo Bland's arrival by whom I am honoured with yours of the 14th inst. It finds me at this place attending my family under inoculation. This will of course retard those arrangements of my domestic affairs which will of themselves take time and cannot be made but at home. I shall lose no time however in preparing for my departure; and from the calculations I am at present enabled to make I suppose I cannot be in Philadelphia before the 20th of December, and that possibly it may be the last of that month. Some days I must certainly pass there; as I could not propose to jump into the midst of a negotiation without a single article of previous information. From these data you will be enabled to judge of the chance of availing myself of his Excy the Chev de la Luzerne's kind offer, to

whom I beg you to present my thanks for his friendly attention and to let him know I shall use my best endeavors to be in time for the departure of his frigate. No circumstances of a private nature could induce me to hasten over the several obstacles to my departure more unremitting than the hope of having the Chevr de Chattelux as a companion in my voyage. A previous acquaintance with his worth & abilities had impressed me with an affection for him which under the then prospect of never seeing him again was perhaps imprudent.

I am with very sincere esteem Dr Sir your affectionate friend & humble servt.

ADVERTISEMENT.[1]

MONTICELLO Dec 15 1782.

The Subscriber having occasion to be absent from the State for some time, has confided the care of his affairs to Francis Eppes, Esq., of Chesterfield, and Col. Nicholas Lewis, of Albermarle, to whom, therefore, he begs leave to refer all persons having business with him.

THOMAS JEFFERSON.

[1] From Haye's *Virginia Gazette*, Saturday, Dec. 28, 1782. See *Autobiography*, I, 72.

NOTES ON VIRGINIA.

1782.

The wide reputation and high value that have been accorded to the *Notes on Virginia* for over one hundred years make any attempt to praise it at this day little less than a work of supererogation. Its frequent republication is alone testimony sufficient to prove its unusual merit. Aside from its intrinsic value, it is of interest, as Jefferson's most serious piece of book-making, and the one on which the larger part of his philosophical reputation was based during his lifetime. It was, also at the time of its production, a notable contribution to American scientific writing, and has been, perhaps, the most frequently reprinted book ever written in the United States south of Mason and Dixon's line.

In 1781 the French ministry directed their American agent to gather certain information concerning the several States then forming the American union, for the use of the home government. The secretary of the French legation, Marbois, in pursuance of this instruction, drew up a series of questions, which were sent to leading men in the different States, who were presumed to be best competent to supply the needed answers. These questions produced from several of the States replies more or less adequate, a number of which have been since printed. On the recommendation of Joseph Jones, then a member of the continental congress, a set of queries was sent to Jefferson, then still governor of Virginia, who wrote to M. Barbé de Marbois, the secretary of the legation :

RICHMOND Mar. 4th, 1781.

"SIR,—I have been honoured with your letter of Feb. 5. Mr. Jones did put into my hands a paper containing sundry inquiries into the present state of Virginia which he informed me was from yourself, some of which I meant to do myself the honour of answering. Hitherto it has been in my power to collect a few materials only, which my present occupations disable me from completing. I mean however shortly to be in a condition which will leave me quite at leisure to take them up, when it shall be one of my first undertakings to give you as full information as I shall be able to do on such of the subjects as are within the sphere of my acquaintance. On some of them however I trust Mr. Jones will engage abler hands. Those in particular which relate to the commerce of the state—a subject with which I am totally unacquainted, and which is probably the most important in your plan."

In the leisure that ensued after his resignation of office, and a physical injury received from a fall from his horse, he undertook this work. Instead of treating the questions in the superficial way that most of the other respondents deemed sufficient, he prepared an elaborate and careful reply. In his *Autobiography* (I, 85), he states :

"I had always made it a practice whenever an opportunity occurred of obtaining any information of our country, which might be of use to me in any station public or private, to commit it to writing. These memoranda were on loose papers, bundled up without order, and difficult of recurrence when I had occasion for a particular one. I thought this a good occasion to embody their substance, which I did in the order of Mr. Marbois' queries, so as to answer his wish and to arrange them for my own use."

Jefferson retained a copy of these *Notes*, and submitted them to several friends for correction and suggestion. In the following winter (1782–3) he "somewhat corrected and enlarged" them. He was asked for copies by his friends, and seems to have yielded in some cases, for he wrote Chastellux :

AMPTHILL, Nov. 26, 1782.

* * * "This will give me full leisure to communicate to you my answers to the queries of Monsr de Marbois." * * *

As these demands multiplied, however, they grew beyond his power to gratify, and he decided to print an edition for private distribution. When he went to attend the continental congress in the winter of 1783–4, he made inquiries preparatory to this, but failed to carry out his purpose, for reasons recorded in a letter to Charles Thomson :

PHILADEL, May 21, 1784.

* * * "My matter in the printing way is dropped. Aitken had formerly told me that he would print it for £4 a sheet. He now asks £5 10*s*, which raises the price from £48 to £66 ; but what was a more effectual and insuparable bar was that he could not complete it under three weeks, a time I could not wait for it. Dunlap happened to be out of town, so I relinquished the plan. Perhaps I may have a few copies struck off in Paris if there be an English Printer. If I do you shall assuredly have one. I shall take the liberty of adding some of your notes—those which were mendatory merely will have their effect on the body of the work."

Jefferson carried the MS therefore with him to France when he was sent as commissioner. Its condition at that time is described in a letter to Hogendorp, written some months after :

PARIS, Oct. 13 1785.

* * * "The condition in which you first saw them [the *Notes*] would prove to you how hastily they had been originally written ; as you may remember the

numerous insertions I had made in them from time to time, when I could find a moment for turning to them from other occupations."

Jefferson reached Paris August 6, 1784, and seems to have at once placed the MS of his *Notes* in the hands of a printer, for he records on Sept. 13, in his note book :

"Pd. M. La Marche in part for sheets 1176 f."

and under Oct. 15 enters in the same :

"Pd. M. La Marche balance for sheets 69 f."

This edition of the *Notes* was anonymous. Two hundred copies were printed. Jefferson wrote to Carmichael, of this edition :

PARIS Dec 26, 1786

* * * "My Notes on Virginia having been hastily written, need abundance of corrections. Two or three of these are so material that I am reprinting a few leaves to substitute for the old. As soon as these shall be ready, I will beg your acceptance of a copy. I shall be proud to be permitted to send a copy also to the Count de Campomanes, as a tribute to his science & his virtues."

As here indicated, the author distributed a few copies, as presents to friends, each one bearing a presentation note in Jefferson's writing, requesting that it should be considered as a private communication. Two of these inscriptions, are here reproduced as types, in facsimile. Another was as follows :

"Th. Jefferson begs the Marquis de LaFayette's acceptance of a copy of these Notes. The circumstances under which they were written, and the talents of the writer, will account for their errors and defects. The original was sent to Mr de Marbois in December 1781.

The desire of a friend to possess some of the details they contained occasioned him to revise them in the subsequent winter. The vices however of their original composition were such as to forbid material amendment. He now has a few copies printed with a design of offering them to some of his friends, and to some estimable characters beyond that line. A copy is presented to the Marquis de LaFayette whose services to the American Union in general, and to that member of it particularly which is the subject of these Notes and in that precise point of time too to which they relate, entitle him to this offering.

To these considerations the writer hopes he may be permitted to add his own personal friendship and esteem for the Marquis. Unwilling to expose these sheets to the public eye the writer begs the favor of the Marquis to put them into the hands of no person on whose care and fidelity he cannot rely to guard them against publication."

Jefferson's reasons for not publishing the work, and for taking such pains to guard it from being printed, are given in a letter to Chastellux :

PARIS June 7. 1785.

"DEAR SIR,—I have been honoured with the receipt of your letter of the 2d instant, and am to thank you, as I do sincerely for the partiality with which you

Th: Jefferson having had a few copies of these Notes printed to offer to some of his friends & to some other estimable characters beyond that line, begs mr Barclay's acceptance of a copy. unwilling to expose them to the public eye, he asks the favor of Mr. Barclay to put them into the hands of no person on whose care & fidelity he cannot rely to guard them against publication.

Th. Jefferson begs Doct. Price's acceptance of a copy of these Notes. the circumstances under which they were written, with the talents of the writer will account for their errors & defects. the original was sent to Mons. de Marbois in Decemb. 1781. being asked for a copy by a friend who wished to possess some of the details they contain he revised them in the subsequent winter. the vices however of their original composition were such as forbid material amendment he now has a few copies printed with a design of offering them to some of his friends, and to some other estimable characters beyond that line. a copy is presented to Doct. Price as a testimony of the respect which the writer bears him. unwilling to expose them to the public eye. he asks the favor of Doct. Price to put them into the hands of no person on whose care & fidelity he cannot rely to guard them against publication

Written by the Author on the Fly-Leaves of Two Presentation Copies of the Original French Edition of Jefferson's *Notes on Virginia*.

receive the copy of the Notes on my country. As I can answer for the facts therein reported on my own observation and have admitted none on the report of others which were not supported by evidence sufficient to command my own assent, I am not afraid that you should make any extracts you please for the Journal de Physique which come within their plan of publication. The strictures on slavery and on the constitution of Virginia are not of that kind, and they are the parts which I do not wish to have made public, at least till I know whether their publication would do most harm or good. It is possible that in my own country these strictures might produce an irritation which would indispose the people towards the two great objects I have in view, that is the emancipation of their slaves & the settlement of their constitution on a firmer & more permanent basis. If I learn from thence, that they will not produce that effect, I have printed & reserved just copies enough to be able to give one to every young man at the College. It is to them I look, to the rising generation, and not to the one now in power, for these great reformations. The other copy delivered at your hotel was for Mons de Buffon. I meant to ask the favour of you to have it sent to him, as I was ignorant how to do it. I have one also for Mons Daubenton; but being utterly unknown to him I cannot take the liberty of presenting it till I can do it through some common acquaintance."

He also wrote to Charles Thomson:

PARIS June 21, 1785.

* * * "In literature nothing new: For I do not consider as having added anything to that field by my own Notes of which I have had a few copies printed. I will send you a copy by the first safe conveyance. Having troubled Mr. Otto with one for Colo Monroe, I could not charge him with one for you. Pray ask the favor of Colo Monroe in page 5, line 17, to strike out the words 'above the mouth of the Appamattox,' which makes nonsense of the passage, and I forgot to correct it before I had enclosed & sent off the copy to him. I am desirous of preventing the reprinting this, should any book merchant think it worth it, till I hear from my friends whether the terms in which I have spoken of slavery and of the constitution of our State will not, by producing an irritation, retard that reformation which I wish instead of promoting it."

He further wrote to Francis Hopkinson:

PARIS JULY 6, 1786

* * * "Having slipped the opportunity of sending copies of my Notes for yourself, & Mr. Rittenhouse when Dr. Franklin's baggage went, I am doubtful whether he can take them with him. If he can you shall receive them by him. if not, then by the first good opportunity. I am obliged to pray that they may not be permitted to get into the hands of the public till I know whether they will promote or retard certain reformations in my own country. I have written to Mr. Madison to inform me on that head."

As soon as this publication was known, Jefferson was besieged for copies of the book. A type of these requests is shown in a letter of his old law teacher, George Wythe, who wrote him:

Jan 10, 1786

"Before i opened the pacquet, observing it to contain books, i hoped to see the copy of one, with a cursory reading of which i had then lately been delighted. You will know the book i mean when i tell you that he who indulged me with the reading of it informed me, that the author had not yet resolved to publish it."

In spite of these solicitations, Jefferson was chary of giving out copies till he should have the opinions of his Virginia friends concerning the parts likely to cause irritation. Madison wrote him :

RICHMOND Nov. 15th, 1785.

* * * "On my return to Orange, I found the copy of your notes brought along . . . by Mr. Doradour. I have looked them over carefully myself, and consulted several judicious friends in confidence. We are all sensible that the freedom of your strictures on some particular measures and opinions will displease their respective abettors. But we equally concur in thinking that this consideration ought not to be weighed against the utility of your plan. We think both the facts and remarks which you have assembled too valuable not to be made known, at least to those for whom you destine them, and speak of them to one another in terms which I must not repeat to you. Mr. Wythe suggested that it might be better to put the number you may allot to the University into the library, rather than to distribute them among the students. In the latter case, the stock will be immediately exhausted. In the former, the discretion of the professors will make it serve the students as they successively come in. Perhaps too, an indiscriminate gift might offend some narrow-minded parents."

On the strength of this opinion, Jefferson began a more general distribution. He replied to Madison :

PARIS Feb. 8, 1786.

* * * "I thank you for your information as to my Notes. The copies I have remaining shall be sent over to be given to some of my friends and to select subjects in the college. I have been unfortunate here with this trifle. I gave out a few copies only, & to confidential persons writing in every copy a restraint against it's publication. Among others I gave a copy to a Mr. Williamos, he died. I immediately took every precaution I could to recover this copy. But by some means or other, a book seller got hold of it. He employed a hireling translator and was about publishing it in the most injurious form possible. An Abbé Morellet a man of letters here to whom I had given a copy, got notice of this. He had translated some passages for a particular purpose : and he compounded with the book seller to translate & give him the whole, on his declining the first publication. I found it necessary to confirm this, and it will be published in French, still mutillated however in it's freest parts. I am now at a loss what to do as to England. Everything good or bad, is thought worth publishing there and I apprehend a translation back from the French, and a

publication there. I rather believe it will be most eligible to let the original come out in that country: but am not yet decided."

To Hopkinson he wrote:

PARIS, Sept 25, 1785

* * * "I have sometimes thought of sending a copy of my Notes to the Philosophical Society, as a tribute due to them; but this would seem as if I considered them as worth something, which I am conscious they are not. I will not ask you for your advice on this occasion, because it is one of those on which no man is authorized to ask a sincere opinion. I shall therefore refer it to further thoughts."

He also wrote to Wythe:

PARIS, August 13, 1786.

* * * "I availed myself of the first opportunity which occurred, by a gentleman going to England, of sending to Mr. Joddrel a copy of the Notes on our country, with a line informing him that it was you who had emboldened me to take that liberty. Madison, no doubt, informed you of the reason why I had sent only a single copy to Virginia. Being assured by him that they will not do the harm I had apprehended, but on the contrary may do some good, I propose to send thither the copies remaining on hand, which were fewer than I had intended. But of the numerous corrections they need, there are one or two so essential that I must have them made, by printing a few new leaves, & substituting them for the old. This will be done while they are engraving a map which I have constructed of the country from Albemarle sound to Lake Erie, & which will be inserted in the book. A bad French translation which is getting out here, will probably oblige me to publish the original more freely which it neither deserved nor was ever intended. Your wishes which are law to me, will justify my destining a copy for you, otherwise I should as soon have thought of sending you a horn-book; for there is no truth there that is not familiar to you, and its errors I should hardly have proposed to treat you with."

The threatened translation touched upon in the above letters to Madison and Wythe was treated more at large in a letter to C. W. F. Dumas:

PARIS, February 2, 1786

* * * "I thank you for what you say of the notes on Virginia. It is much more than they deserve. Though the various matters they touch on would have been beyond the information of any one person whatever to have treated fully and infinitely beyond mine, yet had I at the time of writing them, had anything more in view than the satisfying a single individual, they should have been more attended to both in form and matter. Poor as they are, they have been thought worthy of a surreptitious translation here, with the appearance of which very soon I have been threatened. This has induced me to yield to a friendly proposition from the Abbé Morellet, to translate and publish them

himself, submitting the sheets previously to my inspection. As a translation by so able a hand will lessen the faults of the original, instead of their being multiplied by a hireling translator, I shall add to it a map and such other advantages as may prevent the mortification of my seeing it appear in the injurious form threatened. I shall with great pleasure send a copy of the original to you by the first opportunity, praying your acceptance of it."

To Dr. Edward Bancroft he also wrote :

PARIS Feb 26. 1786.

* * * "By the death of Mr. Williamos a copy of my Notes on Virginia got into the hands of a bookseller, who was about publishing a very abominable translation of them when the Abbé Morellet heard of it, & diverted him from it by undertaking to translate it for him. They will thus appear in French in spite of my precautions. The Abbé engaged me to make a map, which I wish to have engraved in London. It is on a single sheet 23 inches square, and very closely written. It comprehends from Albemarle sound to L. Erie, and from Philadelphia to the mouth of the great Kanhaway, containing Virginia & Pennsylvania, a great part of Maryland & a part of North Carolina. It is taken from Mitchell, Hutchins, & Fry, & Jefferson. I wish the favor of you to make two propositions for me & to inform me of the result. 1. To know from one of the best engravers how much he will ask for the plate & engraving, and in how short a time after he receives the original can he furnish the plate done in the best manner, for the time is material as the work is in the press. 2. To know of Faden or any other map merchant for how much he will undertake to furnish me 1800 copies, on my sending the map to him, & in what time can he furnish them. On this alternative I am to have nothing to do with the engraver or any person but the undertaker. I am of opinion he may furnish them to me for nothing ; and fully indemnify himself by the sale of the maps. Tho' it is on a scale of only an inch to 20 miles it is as particular as the four sheet maps from which it is taken, and I answer for the exactness of the reduction. I have supplied some new places. Tho' the first object which induced me to undertake it was to make a map for my book, I soon extended my view to the making as good a map of those countries as my materials would admit ; and I have no doubt but that in the states of Pennsylvania, Maryland & Virginia 600 copies can be sold for a dollar apiece. I shall finish it in about a fortnight, except the divisions in the counties of Virginia, which I cannot do at all till I can get Henry's map of Virginia. This I must trouble you to procure for me & send immediately by the Diligence, and also give me information on the premises as soon as possible. You will perceive that time will press. I hope the circumstances of this affair will plead my pardon for the trouble I am giving you. The expense of procuring & sending the map shall be replaced, and an infinitude of thanks attend you Sir your most obedt humble servt.

P. S. I do not propose that my name shall appear on the map, because it will belong to it's original authors, & because I do not wish to place myself at the bar of the public."

Morellet's preface to this edition states:

"AVERTISSEMENT.

L'Ouvrage qu'on donne ici au Public a été imprimé en 1782, sous le titre de *Notes on Virginia*, & n'est en effet qu'un recueil de Notes, ou Observations détachées, servant de réponse aux Questions d'un ami de l'Auteur, Européen qui cherchoit à connoitre cette partie des États-Unis; mais on ne craint pas d'annoncer que sous un titre si modeste; le Lecteur trouvera des connoissances approfondies & des idées étendues.

L'Ouvrage n'ayant d'autre plan que celui qu'a donné l'ordre des Questions, qui n'est pas toujours le plus naturel qu'on pût suivre, le Traducteur a pris la liberté, avec l'agrément de l'Auteur, de transposer quelques morceaux. Voici les principales de ces transpositions, qui sont en petit nombre.

1°. On a fait de la septieme Section, de l'original, qui traite du Climat, la deuxieme de la traduction.

2°. La neuvieme & la dixieme Section de l'original, qui traitent des forces militaires de terre & de mer, ont été renvoyées à la fin de l'Ouvrage, à la suite du paragraphe où l'on traite du Revenu public & de la Dépense nationale.

3°. On a rapporté au paragraphe où l'Auteur avoit traité des Esclaves noirs, l'Exposition du projet plein d'humanité qu'il propose pour leur affranchissement & qui étoit placé au paragraphe intitulé: *Projet de Révision de notre Legislation.*

Les autres changemens sont trop peu considérables pour qu'il soit nécessaire d'en faire ici mention. On doit dire seulement qu'il n'y a rien d'omis de l'original.

L'Auteur ayant fait une addition à quelques idées qu'il expose sur la Théorie de la terre, dans les pages 72, 73, &c. & cette addition étant parvenue trop tard au Traducteur, on l'a placée à la fin de l'Ouvrage, & le Lecteur est prié d'y recourir.

Les observations de M. Charles Thomson, Secrétaire de Congrès, qui se trouvent à la fin de l'original anglois, sous le titre d'Appendix, depuis la page 367, jusqu'à étant toutes relatives à celles de M. J. dont elles sont communément des développemens ou des preuves, nous avons cru devoir les placer dans le corps meme de l'Ouvrage, aux endroits auxquels elles appartiennent. Nous les avons distinguées, en les enfermant entre les deux marques. []

Nous avons aussi fait entrer dans le texte les notes de l'Auteur lui-même, parce qu'elles nous ont paru y tenir assez pour pouvoir former avec l'Ouvrage un discours suivi; ce que devroient toujours être des notes, si en suivant cette regale, on n'étoit pas dispensé d'en faire.

La traduction françoise se trouve enrichie d'une carte, rédigée par l'Auteur lui-même avec l'exactitude qu'il fait mettre à tout ce qu'il fait. On ose dire que cette carte, la plus correcte & la plus riche de toutes celles qu'on a eues de la Virginie jusqu'à présent, donne seule un grand prix à l'ouvrage que nous présentons au l'ublic.

On n'a point réduit dans chaque endroit les mesures angloises aux nôtres.

Ou dira seulement que le pied anglois (foot) est d'environ 11 pouces 4 lignes & demie du pied françois. La verge (yard) est de trois pieds anglois, & répond par consequent a environ 34 pouces 1 ligne & demie. L'estimation n'a pas besoin ici d'une plus grande précision.

Dans la traduction des noms propres des lieux, des villes, des rivieres, &c. dont la plupart sont de la langue des naturels du pays, on a suivi la maniere dont les Anglois les écrivent, sans égard aux altérations que les Geographes & les Auteurs françois leur font souvent subir. On a cru que les possesseurs de ces contrées avoient seuls le droit d'en fixer la nomenclature.

Quant aux noms propres anglois, on s'est bien gardé de les supprimer en les traduisant, parce qu'ils deviennent souvent méconnoissables dans la traduction on les a conservés, en mettant à côté & en parenthèse la traduction françoise. Ainsi on a dit, la chaîne des montagnes appellees *Laurel-Ridge* (montagnes du Laurier), & non pas, la chaîne de montagnes, appellés *montagnes du Laurier*."

This publication in French, made the issue of an English edition almost inevitable. Madison told Jefferson :

ORANGE, May 12th, 1786.

* * * "Your notes having got into print in France, will inevitably be translated back and published in that form, not only in England but in America, unless you give out the original. I think, therefore, that you owe it not only to yourself, but to the place you occupy, and the subjects you have handled, to take this precaution. To say nothing of the injury which will certainly result to the diction from a translation first into French and then back into English, the ideas themselves may possibly be so perverted as to lose their propriety."

To protect himself against this possibility, Jefferson entered into negotiations for an edition in English. He wrote to John Stockdale, the great English publisher:

PARIS, Feb. 1, 1787.

"SIR,—You have two or three times proposed to me the printing my Notes on Virginia. I never did intend to have made them public, because they are little interesting to the rest of the world, but as a translation of them is coming out, I have concluded to let the original appear also. I have therefore corrected a copy & made some additions. I have moreover had a map engraved which is worth more than the book. If you chuse to print the work I will send you the corrected copy, and when it shall be nearly printed I will send the plate of the map. I would not chuse that it should be put under a patent, nor that there should be a tittle altered, added, nor omitted. It would be necessary to have a small half sheet map engraved of the country of Virginia as when first discovered. This map is only to be found in Smith's history of Virginia, a thin folio, now very rare. I was not able to find that work here, but surely it can be found in London.

An exact copy of the map is all that would be wanting. I leave this place about the 11th or 12th. Be so good as to let me know whether you chuse to

print the work under the conditions before named. If I receive your answer in the affirmative before I set out, I will send you immediately the copy. It is an octavo of 390 pages. The American Atlas is come safe to hand.

P. S. it is not necessary to observe that as I have been to the expense of engraving a large map, I should expect to be paid for those you should have occasion for, a shilling a piece."

PARIS. Feb. 27. 1787.

SIR,—By the Diligence of tomorrow I will send you a corrected copy of my Notes which I will pray you to print precisely as they are, without additions, alterations, preface, or anything else but what is there. They will require a very accurate corrector of the press, because they are filled with tables, which will become absolutely useless if they are not printed with a perfect accuracy. I beg you therefore to have the most particular attention paid to the correcting of the press. With respect to the plate of the map, it is impossible to send it at the same time. It was engraved in London, and on examination I found a prodigious number of orthographical errors. Being determined that it shall not go out with a single error, an engraver is now closely employed in correcting them. He promises to have it finished the next week, say by the 10th of March: but I suppose you must expect he will not be punctual to a day. the map will be worth more than the book, because it is very particular, made on the best materials which exist, and is of a very convenient size, bringing the States of Virginia, Maryland, Delaware & Pennsylvania into a single sheet. It will make the book sell. I think it would be worth your while to print 400 copies of the book for America, sending 200 to Richmond in Virginia, & 200 to Philadelphia, if you have no correspondents there, you might send those for Richmond to Mr. James Buchanan merchant there, & those for Philadelphia to Aitken bookseller there. These are men on whose punctuality you may depend. But they should be restrained from selling but for ready money: so that you may always find in their hands either the money or the books. I set out on my journey tomorrow: but Mr. Short, my Secretary, remains here, and will hasten & forward the plate to you by the Diligence. Be so good as to send by the next Diligence a copy of Mr. Adam's book on the American Constitutions printed by Dilly, in boards, it being for a bookseller here."

In the preparation of this edition, Jefferson wrote to the Abbé Morellet:

PARIS July 2, 1787.

"I am sorry, my dear Sir, that your interest should be affected by the ill behavior of Barrois but when you consider the facts you will be sensible that I could not have indulged his indolence further without increasing the injury to a more punctual workman. Stockdale of London had asked leave to print my Notes. I agreed to it, & promised he should have the plate of the map as soon as it should be corrected, and the copies struck off for you & myself. He thereupon printed his edition completely in three weeks. The printer, who was to strike off 250 maps for me, kept the plate but 5 days. It was then delivered to Barrois with notice that it could not be left longer with him than

should suffice to strike off his number. Repeated applications for it by Mr. Short & my servant were only answered by repeated promises, and times of delivery fixed, no one of which was performed. When I returned he had been possessed of the plate upwards of two months. I was astonished and confounded to be told it had not been sent to Stockdale & that his edition had been lying dead on his hands three months. I sent to Barrois the very day of my return to let him know that justice to Stockdale did not permit me to defer sending him the plate any longer, yet I would wait 5 days, at the end of which he must deliver me the plate whether his maps were done or not. I received no answer, but waited 10 days. I then sent for the plate. The answer was he was not at home. I sent again the next day. Answer he was not at home. I sent the third day. Not at home. I then ordered the messenger to go back & wait till he should come home. This produced an answer of two lines *qu'il alloit soigner son ouvrier!* I wrote him word in return to deliver the plate instantly. This I think was on a Saturday or Sunday. He told the messenger he would let me have it the Thursday following. I took patience, & sent on the Friday, but telling the messenger if he refused to deliver it, to inform him I would be plagued no more with sending messages, but would apply to the police. He then delivered it & I sent it off immediately to London. He had kept it three months, of which three weeks was after my return. I think Sir you will be satisfied that justice to Stockdale, justice to myself who had passed my word for sending on the plate, and sensibility to the shuffling conduct of Barrois, permitted me to act no otherwise. But no matter. Let his ill behavior make no odds between you & me. It will affect your interest, & that suffices to determine me to order back the plate as soon as Stockdale has done with it. He will not require more days than Barrois months, so that it will be here before you can want it. But it must never go into Barrois' hands again nor of any person depending on him or under his orders. The workman who struck off the 250. for me seems to have been diligent enough. Either he or any other workman you please of that description, shall have it to strike what number you wish. I forgot to observe in it's proper place, that when I was in the midst of my difficulties I did myself the honor of calling on you, as well to have that of asking after your health on my return, as of asking your assistance to obtain the plate. Unluckily you were gone to Versailles so I was obliged to proceed as well as I could. It is no excuse for Barrois to say he could not get his Imprimeur to proceed. He should have applied to another. But as to you it shall be set to rights in the manner I have before stated. Accept my regret that you were in the hands of so undeserving a workman, & one who placed me under the necessity of interrupting a work which interested you. Be assured at the same time of the sincerity of those sentiments of esteem & respect with which I have the honor to be Dear Sir your most obedient & most humble servant."

Another letter to Stockdale, acknowledged the receipt of copies of this edition :

PARIS Aug. 14. 1787.

"SIR, * * * I thank you for the dozen copies of the Notes on Virginia. The remaining 34 shall be sold so as to pay the 3d sterl. a vol. their transportation costs, the commission for selling & your 5/4 upon the whole they must be sold at about 7£ 15/—Unless you are very sure of your information of the printing the Notes on Virginia in America, I doubt it. I never sent but six copies to America, and they were in such hands as I am sure would not permit them to be published. I have letters from Philadelphia as late as the 6th of June, & certainly no such publication was then suspected by my friends on the contrary Mr. Hopkinson, one of those to whom I had given a copy, & who is concerned in compiling the Columbian magazine, tells me he hopes I will not object to his publishing a few extracts from it particularly the passages in which M. de Buffon's work is controverted. So that unless you are very certain on that point, I shall disbelieve it."

The preface to this English edition was as follows:

"ADVERTISEMENT.

The following Notes were written in Virginia in the year 1781, and somewhat corrected and enlarged in the winter of 1782, in answer to Queries proposed to the Author, by a Foreigner of Distinction, then residing among us. The subjects are all treated imperfectly; some scarcely touched on. To apologize for this by developing the circumstances of the time and place of their composition, would be to open wounds which have already bled enough. To these circumstances some of their imperfections may with truth be ascribed; the great mass to the want of information and want of talents in the writer. He had a few copies printed, which he gave among his friends: and a translation of them has been lately published in France, but with such alterations as the laws of the press in that country rendered necessary. They are now offered to the public in their original form and language.

Feb. 27, 1787."

From the publication of this revision, no further changes were made in the published text during Jefferson's lifetime. He wrote to J. Lithgow:

WASHINGTON, January 4, 1805.

* * * "Mr. Duane informed me that he meant to publish a new edition of the Notes on Virginia, and I had in contemplation some particular alterations which would require little time to make. My occupations by no means permit me at this time to revise the text, and make those changes in it which I should now do." * * *

He later wrote to John Melish:

MONTICELLO, December 10, 1814.

* * * "You propose to me the preparation of a new edition of the Notes on Virginia. I formerly entertained the idea, and from time to time noted some new matter, which I thought I would arrange at leisure for a posthumous

edition. But I now begin to see that it is impracticable for me. Nearly forty years of additional experience in the affairs of mankind would lead me into dilatations ending I know not where. That experience indeed has not altered a single principle. But it has furnished matter of abundant development. Every moment too, which I have to spare from my daily exercise and affairs is engrossed by a correspondence, the results of the extensive relations which my course of life has necessarily occasioned. And now the act of writing itself is becoming slow, laborious and irksome. I consider, therefore, the idea of preparing a new copy of that work as no more to be entertained. The work itself indeed is nothing more than the measure of a shadow, never stationary, but lengthening as the sun advances, and to be taken anew from hour to hour. It must remain, therefore, for some other hand to sketch its appearance at another epoch, to furnish another element for calculating the course and motion of this member of our federal system."

The revised copy of the *Notes* here mentioned passed into the hands of his literary executor, from whom it passed to J. W. Randolph & Co., who printed an edition from it in 1853. To this they added the following note :

"PREFACE OF THE PUBLISHER.

Thomas Jefferson left at his death a printed copy of his Notes on Virginia, containing many manuscript notes, several plates and a map, intended apparently for a new edition of the work. As an edition had then been recently published it was deemed best to delay any further publication until the book should become scarce. It is now nearly out of print, and a general desire is expressed for another edition. With a view of gratifying this wish, Mr. Jefferson's executor, Thomas Jefferson Randolph, has transferred to the publisher the materials prepared by the author for the new edition.

In making this preparation the author used a copy of the first edition, and thus inadvertently repeated an error in the narrative preceding Logan's speech which had been corrected in a later edition. An historical statement making the correction, deduced by the author from certain documents, and the documents themselves, will be found in Appendix No. IV. They are taken from a re-print of the work in 1825.

The manuscript notes of the present edition are numerous and interesting. Many are in foreign languages, and disclose the extensive erudition of the author. Professor Schele De Vere, the accomplished and learned incumbent of the Chair of Modern Languages of the University of Virginia, has been kind enough to translate the French, Spanish and Italian notes. These translations will be found in Appendix No. IV.

The circumstances under which the Notes on Virginia were written, are stated by the author in this preface. It may be well to add, that the foreigner of distinction to whom they were addressed was Mons. Barbe De Marbois, the Secretary of the French Legation in the United States, and that they were written

while the author was confined to his room by an injury received from the falling of his horse.

The beauty of style, the accuracy of information, and the scientific research displayed in the Notes have made them a permanent part of our national literature. The publisher therefore conceives that in publishing a new edition of this admirable work, he is renewing a valuable contribution to that literature, and rendering a just tribute to the illustrious author.

September 13, 1853."

The original edition of the *Notes* was printed with the title here reproduced in facsimile. It was a small octavo, of 391 pages, plus the title and folding leaf. The last twenty-five pages were an "Appendix" of notes contributed by Charles Thomson. After Jefferson had distributed some copies, he printed a "Draught of a Fundamental Constitution for the Commonwealth of Virginia" (pp. 14), and "Notes on the Establishment of a Money Mint and a Coinage for the United States" (pp. 14) in uniform style, and added them as appendices to the copies he still had. Still later he printed, on its passage by the Virginia legislature, "An Act for Establishing Religious Freedom" (pp. 4), which he made a third appendix to the copies still remaining in his hands. In addition to these appendices, he cancelled in 1786 pages 52–4 of the original edition, in which he had propounded the suggestion, to explain the occurrence of sea shells in high mountains on other grounds than that of an universal deluge (in which he had no faith), that "besides the usual process for generating shells by the elaboration of earth and water in animal vessels, may not nature have provided an equivalent operation, by passing the same materials through the pores of calcareous earths and stones?" In lieu of these, he had printed new pages, omitting this theory, and substituted these leaves in the copies still remaining in his hands; but they must have been few, for copies with these new sheets are very uncommon.

The French translation of Morellet was somewhat revised, and had an "Avertissement" of the translator. It omitted Thomson's notes, and the three appendices already mentioned. It had, however, a map drawn by Jefferson, which the latter considered far more valuable than the *Notes* themselves. The title of this edition was:

Observations / sur / La Virginie, / Par M. J***. / Traduites de L'Anglois. / A Paris, / Chez Barrois, l'aîné, Librarie, rue du / Hurepoix, près le pont Saint-Michel. / 1786. / 8vo pp. (4), viij, 390, (2), (4), map and folding leaf.

The first published edition in English was, as already recorded, by Stockdale, in London. This had an introductory note and included the three appendices that Jefferson had printed since the appearance of the original edition, as also the new matter which had replaced the cancelled leaves. The typographical changes were very numerous, chiefly in the spelling of geographical names, of the substitution of spelled for numeral figures, and in the correction of some few minor errors. It also contained the map that had appeared in the French edition. It was the first edition to give the name of the author, the title being:

Notes / on the / State of Virginia. / written by / Thomas Jefferson. / illustrated with / A Map, including the States of Virginia, Mary- / land, Delaware and Pennsylvania. / London : / Printed for John Stockdale, opposite / Burlington-House, Piccadilly. / M.DCC.LXXXVII. / 8vo. pp. (4), 382, map and folding leaf.

This edition was at once reprinted verbatim, in America (a pirated edition apparently), but without the map. The title was.

Notes / on the / State / of / Virginia. / Written by / Thomas Jefferson. / Philadelphia : / Printed and sold by Prichard and Hall, in Market / Street, between Front and Second Streets. / M.DCC.LXXXVIII. / 8vo. pp. (4), 344, folding leaf.

A German translation was issued in 1789 with the title of :

Beschriebung von Virginien . . . Leipzig, 1789.

A second American reprint of the Stockdale edition was made with Jefferson's consent in 1794. The title was :

Notes on the State of Virginia : Second American edition. Philadelphia : Matthew Carey. 1794, 8vo. pp. 4, 336, map and folding leaf.

In 1797–8 Jefferson prepared an additional appendix, which he printed separately, two years later, with the title of :

An / Appendix / to the / Notes on Virginia / Relative to the Murder of Logans Family. / By Thomas Jefferson. / Philadelphia : Printed by Samuel H. Smith. / M.DCCC. / 8vo. pp. 51.

This appendix was included in the next edition of the *Notes*, which bore the title :

Jefferson's / Notes, / on the / State of Virginia ; / with the / Appendixes— Complete. / Baltimore : / Printed by W. Pechin, corner of Water & Gay streets. / 1800. / 8vo. pp. 194, 53.

All editions subsequent to this, except the last, are reprints of the text of 1787, together with this appendix relating to Logan. More or less full bibliographical titles are given in the *Historical Magazine*, I, 52 ; Sabin's *Dictionary of Books relating to America ;* and H. B. Tompkins' *Bibliotheca Jeffersoniana.* Only a check list of imprints therefore is here given.

With " Dissertation." Baltimore : W. Pechin. 1800.
Third American Edition. New York : M. L. & W. A. Davids. 1801.
Fourth American Edition. New York : T. B. Janson & Co., 1801.
Newark : Pennington & Gould. 1801.
Philadelphia : R. T. Rawle. 1801.
Eighth American Edition. Boston : D. Carlisle. 1801.
Ninth American Edition. Boston : H. E. Sprague. 1801.
Trenton : Wilson & Blackwell. 1803.
Trenton : Wilson & Blackwell, for M. Carey. 1803.

New York : 1804.
Philadelphia : M. Carey. 1812.
Trenton : 1812.
Philadelphia : Hogan & Thompson. 1815.
Philadelphia : H. C. Carey and I. Lea. 1825.
Boston : Wells & Lilly. 1829.
Boston : Lilly & Wait. 1832.

It is proper to state that the text of the *Notes*, as printed in Washington's edition of Jefferson's *Writings*, is that of 1787, but the editor chose to modify one paragraph to suit his personal views.

Although Jefferson never revised the *Notes* further than to amend the text for the edition printed in 1787, and the "Logan appendix," he left a copy of the 1787 with MS revisions. From this an edition was printed in 1853 which besides embodying Jefferson's corrections, included a preface by the publisher, an "Extract from a Letter of Judge Gibson," and translations of the notes in foreign tongues. It also contains four plates and a woodcut not in any other edition. It is therefore the best edition, and one of the most difficult to procure. Its title is :

Notes / on the / State of Virginia, / by / Thomas Jefferson : / illustrated with / a Map, including the States of Virginia, Maryland / Delaware and Pennsylvania. / A New Edition, / Prepared by the Author, / Containing Notes and Plates never before published. / J. W. Randolph, / 121 Main Street, Richmond, Va. / 1853. / 8vo. pp. (10), 275, map, folding topographical analysis, and four plates.

The *Notes* stirred up considerable controversy. Jefferson's theory of shell formation was somewhat ridiculed in the French press of the day, and later the same theory was brought forward by certain of his political opponents in America in an endeavor to make him absurd. His statements concerning Logan were sharply criticised for personal and political reasons. His argument against the universal deluge and his plea for religious toleration were used extensively as a political argument against him. These latter produced several pamphlets *pro* and *con*, concerning his religious opinions, of which the following by Clement Clarke Moore, is the only one entirely based on the *Notes :*

Observations / upon certain passages in / Mr. Jefferson's Notes on Virginia, / which appear to have a tendency to / subvert Religion, / and Establish / A False Philosophy. / New-York. / 1804. / 8vo. pp. 32.

In the New York State Library at Albany are the proof sheets of the first edition of the *Notes* with Jefferson's corrections. These are fully described in the *Historical Magazine*, (XIII, 96), by E. B. O'Callaghan. Only a single one is of a character to deserve notice in this reprint. In 1874 Jefferson's copy of the edition of 1787 with his autograph corrections was sold at auction in New York for $160, passing to the library of E. G. Asay of Chicago.

For more concerning the *Notes* see the *Historical Magazine*, XIII, 96 ; Spark's

Writings of Franklin, X, 317; Jefferson's *Autobiography*, I, 85: and the *Monthly Review*, LXXVIII, 377, 450.

The present text conforms to that of the original edition printed in 1784, the original page numbers being given in brackets. This text has been compared, however, with the editions of 1787 and 1853, and all variations, other than typographical or verbal are indicated in footnotes. The first appendix, consisting of Charles Thomson's notes, has been broken up, and each note placed with the part of the text to which it relates, as more convenient for reference. The "Notes on a Money Unit," the "Fundamental Constitution," and the "Bill for Religious Freedom," are omitted, as not strictly forming part of the *Notes*, and more appropriately printed elsewhere. The appendix relating to Logan is compressed, by the exclusion of the confirmatory documents, and is placed as a footnote to the original account. The map is a reproduction of Jefferson's original map, first published in the edition of 1786. The plate illustrating the "Logan matter" is reproduced from the "Appendix" of 1800. The "Eye draught of Madison's cave" is reproduced from the first edition. The other four plates are taken from the edition of 1853. The present text therefore embodies practically all that is germane and valuable in every previous edition.

A MAP of the country between ALBEMARLE SOUND and LAKE ERIE, comprehending the whole of VIRGINIA, MARYLAND, DELAWARE and PENSYLVANIA with parts of
United States of America
Engraved for the Notes on Virginia
LAKE ERIE
NEW YORK
PENNSYLVANIA
A NEW STATE
NEW STATE
OHIO RIVER
OHIO CO
MONONGALIA CO
CUMBERLAND
BERKS
NORTHAMPTON
HALTIMORE CO
FREDERIC CO
BERKELEY
FREDERIC
DELAWARE STATE
DELAWARE BAY
NEW JERSEY
ATLANTIC OCEAN
TRUTH
KENTUCKEY
MONTGOMERY
WASHINGTON
FRANKLIN
NORTH CAROLINA
ROWAN
JOHNSTON
BERTIE
ALBEMARLE SOUND
NORTHAMPTON
SOUTHAMPTON
NANSEMOND
SUSSEX
PRINCE GEORGE
DISWIDDIE
AMELIA
GREEN BRIAR CO
LINCOLN CO
Geographical Miles 60 to a Degree
American Miles 69½ to a Degree

NOTES on the ſtate of VIRGINIA;

written in the year 1781, ſomewhat corrected and enlarged in the winter of 1782, for the uſe of a Foreigner of diſtinction, in anſwer to certain queries propoſed by him reſpecting

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MDCCLXXXII.

QUERY I.

An exact description of the limits and boundaries of the state of Virginia?

Virginia is bounded on the East by the Atlantic: on the North by a line of latitude, crossing the Eastern shore through Watkin's Point, being about 37° 57′ North latitude; from thence by a streight line to Cinquac, near the mouth of Patowmac; thence by the Patowmac, which is common to Virginia and Maryland, to the first fountain of its northern branch; thence by a meridian line, passing through that fountain till it intersects a line running East and West, in latitude 39° 43′ 42.4″ which divides Maryland from Pennsylvania, and which was marked by Messrs. Mason and Dixon; thence by that line, and a continuation of it westwardly to the completion of five degrees of longitude from the eastern boundary of Pennsylvania, in the same latitude, and thence by a meridian line to the Ohio: On the west by the Ohio and [2] Mississipi, to latitude 36° 30′ North: and on the South by the line of latitude last-mentioned. By admeasurements through nearly the whole of this last line, and supplying the unmeasured parts from good data, the Atlantic and Mississipi are found in this latitude to be 758 miles distant, equal to 13° 38′ of longitude, reckoning 55 miles and 3144 feet to the degree. This being our comprehension of longitude, that of our latitude, taken between this and Mason and Dixon's line, is 3° 13′ 42.4″ equal to 223.3 miles, supposing a degree of a great circle to be 69 m 864 f., as computed by Cassini. These boundaries include an area somewhat triangular of 121525 square miles, whereof 79650 lie westward of the Alleghany mountains, and 57034 westward of the meridian of the mouth of the Great Kanhaway. This state is therefore one-third larger than the

islands of Great Britain and Ireland, which are reckoned at 88357 square miles.

These limits result from, 1. The antient charters from the crown of England. 2. The grant of Maryland to the Lord Baltimore, and the subsequent determinations of the British court as to the extent of that [3] grant. 3. The grant of Pennsylvania to William Penn, and a compact between the general assemblies of the commonwealths of Virginia and Pennsylvania as to the extent of that grant. 4. The grant of Carolina, and actual location of its northern boundary, by consent of both parties. 5. The treaty of Paris of 1763. 6. The confirmation of the charters of the neighboring states by the convention of Virginia at the time of constituting their commonwealth. 7. The cession made by Virginia to Congress of all the lands to which they had title on the North side of the Ohio.

QUERY II.

A notice of its rivers, rivulets, and how far they are navigable?

An inspection of a map of Virginia, will give a better idea of the geography of its rivers, than any description in writing. Their navigation may be imperfectly noted.

Roanoke, so far as it lies within this state, is no where navigable, but for canoes, or light batteaux; and, even for these, in such [4] detached parcels as to have prevented the inhabitants from availing themselves of it at all.

James River, and its waters, afford navigation as follows:

The whole of *Elizabeth River*, the lowest of those which run into James River, is a harbour, and would contain upwards of 300 ships. The channel is from 150 to 200 fathom wide, and at common flood tide affords 18 feet water to Norfolk. The Strafford, a sixty gun ship, went there, lightening herself to cross the bar at Sowell's point. The Fier Rodrigue, pierced for 64 guns, and carrying 50, went there without lightening. Craney island, at the mouth of this river, commands its channel tolerably well.

Nansemond River is navigable to Sleepy hole, for vessels of 250 tons; to Suffolk for those of 100 tons; and to Milner's, for those of 25.

Pagan Creek affords 8 or 10 feet water to Smithfield, which admits vessels of 20 tons.

Chickahominy has at its mouth a bar, on which is only 12 feet water at common flood tide. Vessels passing that, may go 8 [5] miles up the river; those of 10 feet draught may go 4 miles further, and those of 6 tons burden 20 miles further.

Appamattox may be navigated as far as Broadways, by any vessel which has crossed Harrison's bar in James River; it keeps 8 or 10[1] feet water a mile or two higher up to Fisher's bar, and 4 feet on that and upwards to Petersburgh, where all navigation ceases.

James River itself affords a harbor for vessels of any size in Hampton Road, but not in safety through the whole winter; and there is navigable water for them as far as Mulberry Island. A 40 gun ship goes to James town, and, lightening herself, may pass [above the mouth of Appamattox,[2] to] Harrison's bar; on which there is only 15 feet water. Vessels of 250 tons may go to Warwick; those of 125 go to Rocket's, a mile below Richmond; from thence is about 7 feet water to Richmond; and about the centre of the town, four feet and a half, where the navigation is interrupted by falls, which in a course of six miles, descend about 80 feet perpendicular: above these it is resumed in canoes and batteaux, and is pro- [6] secuted safely and advantageously to within 10 miles of the Blue ridge and even through the Blue ridge a ton weight has been brought; and the expence would not be great, when compared with its object, to open a tolerable navigation up Jackson's river and Carpenter's Creek, to within 25 miles of Howard's creek of Green briar, both of which have then water

[1] Altered to "8 or 9" in edition of 1787.

[2] The words in brackets are struck out with ink, in all the copies I have examined. And in Jefferson's letter to Thomson of June 21, 1785, he mentions the copy of the *Notes* sent to Monroe, and adds: "Pray ask the favor of Colonel Monroe, in page 5, line 17, to strike out the words 'above the mouth of the Appamattox,' which makes nonsense of the passage; and I forgot to correct it before I had enclosed and sent off the copy to him."

enough to float vessels into the Great Kanhaway. In some future state of population, I think it possible, that its navigation may also be made to interlock with that of the Patowmac, and through that to communicate by a short portage with the Ohio. It is to be noted, that this river is called in the maps *James River*, only to its confluence with the Rivanna ; thence to the Blue ridge it is called the Fluvanna ; and thence to its source, Jackson's river. But in common speech, it is called James river to its source.

The *Rivanna*, a branch of James River, is navigable for canoes and batteaux to its intersection with the South West mountains, which is about 22 miles ; and may easily be opened to navigation through these mountains to its fork above Charlottesville. [7]

York River, at York town, affords the best harbor in the state for vessels of the largest size. The river there narrows to the width of a mile, and is contained within very high banks, close under which vessels may ride. It holds 4 fathom water at high tide for 25 miles above York to the mouth of Poropotank, where the river is a mile and a half wide, and the channel only 75 fathom, and passing under a high bank. At the confluence of *Pamunkey* and *Mattapony*, it is reduced to 3 fathom depth, which continues up Pamunkey to Cumberland, where the width is 100 yards, and up Mattapony to within two miles of Frazer's ferry, where it becomes 2½ fathom deep, and holds that about five miles. Pamunkey is then capable of navigation for loaded flats to Brockman's bridge, fifty miles above Hanover town, and Mattapony to Downer's bridge, 70 miles above its mouth.

Piankatank, the little rivers making out of *Mobjack Bay* and those of the *Eastern shore*, receive only very small vessels, and these can but enter them.

Rappahanock affords 4 fathom water to Hobb's hole, and 2 fathom from thence to Fredericksburg. [8]

Patowmac is 7½ miles wide at the mouth ; 4½ at Nomony bay ; 3 at Acquia ; 1½ at Hallooing point ; 1¼ at Alexandria. Its soundings are, 7 fathom at the mouth ; 5 at St. George's island ; 4½ at Lower Matchodic ; 3 at Swan's point, and thence up to Alexandria ; thence 10 feet water to the falls, which are 13 miles above Alexandria. These falls are 15 miles in length, and of very great descent, and the navigation above them for batteaux and canoes,

is so much interrupted as to be little used. It is, however, used in a small degree up the Cohongoronta branch as far as Fort Cumberland, which was at the mouth of Wills's creek: and is capable, at no great expence, of being rendered very practicable. The Shenandoah branch interlocks with James river about the Blue ridge, and may perhaps in future be opened.

The *Missisipi* will be one of the principal channels of future commerce for the country westward of the Alleghaney. From the mouth of this river to where it receives the Ohio, is 1000 miles by water, but only 500 by land, passing through the Chickasaw country. From the mouth of the Ohio to [9] that of the Missouri, is 230 miles by water, and 140 by land. From thence to the mouth of the Illinois river, is about 25 miles. The Missisipi, below the mouth of the Missouri, is always muddy, and abounding with sand bars, which frequently change their places. However, it carries 15 feet water to the mouth of the Ohio, to which place it is from one and a half to two miles wide, and thence to Kaskaskia from one mile to a mile and a quarter wide. Its current is so rapid, that it never can be stemmed by the force of the wind alone, acting on sails. Any vessel, however, navigated with oars, may come up at any time, and receive much aid from the wind. A batteau passes from the mouth of Ohio to the mouth of Missisipi in three weeks, and is from two to three months getting up again. During its floods, which are periodical as those of the Nile, the largest vessels may pass down it, if their steerage can be ensured. These floods begin in April, and the river returns into its banks early in August. The inundation extends further on the western than eastern side, covering the lands in some places for 50 miles from it's [10] banks. Above the mouth of the Missouri, it becomes much such a river as the Ohio, like it clear, and gentle in its current, not quite so wide, the period of its floods nearly the same, but not rising to so great a height. The streets of the village at Cohoes are not more than 10 feet above the ordinary level of the water, and yet were never overflowed. Its bed deepens every year. Cohoes, in the memory of many people now living, was insulated by every flood of the river. What was the eastern channel has now become a lake, 9 miles in length and one in width, into which the river at this day never

flows. This river yields turtle of a peculiar kind, perch, trout, gar, pike, mullets, herrings, carp, spatula fish of 50 pounds weight, cat fish of an hundred pounds weight, buffalo fish, and sturgeon. Alligators or crocodiles have been seen as high up as the Acansas. It also abounds in herons, cranes, ducks, brant, geese, and swans. Its passage is commanded by a fort established by this state, five miles below the mouth of the Ohio, and ten miles above the Carolina boundary.

The Missouri, since the treaty of Paris, the Illinois and Northern branches of the [11] Ohio since the cession to Congress, are no longer within our limits. Yet having been so heretofore, and still opening to us channels of extensive communication with the western and north-western country, they shall be noted in their order.

The *Missouri* is, in fact, the principal river, contributing more to the common stream than does the Missisipi, even after its junction with the Illinois. It is remarkably cold, muddy and rapid. Its overflowings are considerable. They happen during the months of June and July. Their commencement being so much later than those of the Missisipi, would induce a belief that the sources of the Missouri are northward of those of the Missisipi ; unless we suppose that the cold increases again with the ascent of the land from the Missisipi westwardly. That this ascent is great, is proved by the rapidity of the river. Six miles above the mouth it is brought within the compass of a quarter of a mile's width : yet the Spanish Merchants at Pancore, or St. Louis, say they go two thousand miles up it. It heads far westward of the Rio Norte, or North River. There is, in the villages of Kaskaskia, Cohoes, and St. [12] Vincennes, no inconsiderable quantity of plate, said to have been plundered during the last war by the Indians from the churches and private houses of Santa Fé, on the North River, and brought to these villages for sale. From the mouth of the Ohio to Sante Fé are forty days journey or about 1000 miles. What is the shortest distance between the navigable waters of the Missouri, and those of the North River, or how far this is navigable above Santa Fé, I could never learn. From Santa Fé to its mouth in the Gulph of Mexico is about 1200 miles. The road from New Orleans to Mexico crosses

this river at the post of Rio Norte, 800 miles below Santa Fé : and from this post to New Orleans is about 1200 miles ; thus making 2000 miles between Santa Fé and New Orleans, passing down the North river, Red river, and Missisipi ; whereas it is 2230 through the Missouri and Missisipi. From the same post of Rio Norte, passing near the mines of La Sierra and Laiguana, which are between the North river, and the river Salina to Sartilla, is 375 miles, and from thence, passing the mines of Charcas, Zaccatecas, and Potosi, to the city of Mexico, is three hundred and seventy-five miles ; in all [13] 1550 from Santa Fé to the city of Mexico. From New Orleans to the city of Mexico is about 1950 miles : the roads after setting out from the Red river, near Natchitoches, keeping generally parallel with the coast, and above two hundred miles from it till it enters the city of Mexico.

The *Illinois*, is a fine river, clear, gentle, and without rapids ; insomuch that it is navigable for batteaux to its source. From thence is a portage of two miles only to the Chicago, which affords a batteau navigation of sixteen miles to its entrance into lake Michigan. The Illinois, about 10 miles about its mouth, is 300 Yards wide.

The *Kaskaskia* is 100 yards wide at its entrance into the Missisipi, and preserves that breadth to the Buffalo plains 70 miles above. So far also it is navigable for loaded batteaux, and perhaps much further. It is not rapid.

The *Ohio* is the most beautiful river on earth. Its current gentle, waters clear, and bosom smooth and unbroken by rocks and rapids, a single instance only excepted.

It is ¼ of a mile wide at Fort Pitt. [14]

500 yards at the mouth of the Great Kanhaway :

1 mile and 25 poles at Louisville :

¼ of a mile on the rapids, three or four miles below Louisville :

½ mile where the low country begins, which is 20 miles above Green river :

1¼ at the receipt of the Tanessee :

And a mile wide at the mouth.

Its length, as measured according to its meanders by Captain Hutchings is as follows :

From Fort Pitt

	miles		miles
To Log's town	18½	Little Miami	126¼
Big Beaver creek	10¾	Licking creek	8
Little Beaver cr.	13½	Great Miami	26¾
Yellow creek	11¾	Big Bones	32½
Two creeks	21¾	Kentuckey	44¼
Long reach	53¾	Rapids	77¼
End Long reach	16½	Low country	155¾
Muskingum	25½	Buffalo river	64½
Little Kanhaway	12¼	Wabash	97¼
Hockhocking	16	Big cave	42¾
Great Kanhaway	82½	Shawanee river	52½
Guiandot	43¾	Cherokee river	13
Sandy Creek	14½	Massac	11
Sioto	48¼	Missisipi	46
			1188

[15] In common winter and spring tides it affords 15 feet water to Louisville, 10 feet to Le Tarte's rapids, 40 miles above the mouth of the great Kanhaway, and a sufficiency at all times for light batteaux and canoes to Fort Pitt. The rapids are in latitude 38° 8′. The inundations of this river begin about the last of March, and subside in July. During these, a first-rate man-of-war may be carried from Louisville to New Orleans, if the sudden turns of the river and the strength of its current will admit a safe steerage. The rapids at Louisville descend about 30 feet in a length of a mile and a half. The bed of the river there is a solid rock, and is divided by an island into two branches, the southern of which is about 200 yards wide, and dry four months in the year. The bed of the northern branch is worn into channels by the constant course of the water, and attrition of the pebble stones carried on with that, so as to be passable for batteaux through the greater part of the year. Yet it is thought that the southern arm may be the most easily opened for constant navigation. The rise of the waters in these rapids does not exceed 10 or 12 feet. A part [16] of this island is so high as to have been never overflowed, and to command the settlement at Louisville, which is opposite to it. The fort, however, is situated at the head of the falls. The ground on the South side rises very gradually.

The *Tanessee*, Cherokee, or Hogohege river is 600 yards wide at its mouth, ¼ of a mile at the mouth of Holston, and two hun-

dred yards at Chotee, which is 20 miles above Holston, and three hundred miles above the mouth of the Tanessee. This river crosses the southern boundary of Virginia, 58 miles from the Missisipi. Its current is moderate. It is navigable for loaded boats of any burden to the Muscleshoals, where the river passes through the Cumberland mountain. These shoals are 6 or 8 miles long, passable downwards for loaded canoes, but not upwards, unless there be a swell in the river. Above these the navigation for loaded canoes and batteaux continues to the Long island. This river has its inundations also. Above the Chickamogga towns is a whirlpool called the Sucking-pot, which takes in trunks of trees or boats, and throws them out again half a mile below. It is avoided by keeping very close [17] to the bank, on the South side. There are but a few miles portage between a branch of this river and the navigable waters of the river Mobile, which runs into the gulph of Mexico.

Cumberland, or Shawanee river, intersects the boundary between Virginia and North Carolina 67 miles from the Missisipi, and again 198 miles from the same river, a little above the entrance of Obey's river into the Cumberland. Its clear fork crosses the same boundary about 300 miles from the Missisipi. Cumberland is a very gentle stream, navigable for loaded batteaux 800 miles, without interruption; then intervene some rapids of 15 miles in length, after which it is again navigable 70 miles upwards, which brings you within 10 miles of the Cumberland mountains. It is about 120 yards wide through its whole course, from the head of its navigation to its mouth.

The *Wabash* is a very beautiful river, 400 yards wide at the mouth, and 300 at St. Vincennes, which is a post 100 miles above the mouth, in a direct line. Within this space there are two mall rapids, which give very little obstruction to the navigation. [18] It is 400 yards wide at the mouth, and navigable 30 leagues upwards for canoes and small boats. From the mouth of Maple river to that of Eel river is about 80 miles in a direct line, the river continuing navigable and from one to two hundred yards in width. The Eel river is 150 yards wide, and affords at all times navigation for periaguas, to within 18 miles of the Miami of the lake. The Wabash, from the mouth of Eel river to little river, a

distance of 50 miles direct, is interrupted with frequent rapids and shoals, which obstruct the navigation, except in a swell. Little river affords navigation during a swell to within 3 miles of the Miami, which thence affords a similar navigation into Lake Erié, 100 miles distant in a direct line. The Wabash overflows periodically in correspondence with the Ohio, and in some places two leagues from its banks.

Green River is navigable for loaded batteaux at all times 50 miles upwards; but it is then interrupted by impassable rapids, above which the navigation again commences and continues good 30 or 40 miles to the mouth of Barren river. [19]

Kentucky River is 90 yards wide at the mouth, and also at Boonsborough, 80 miles above. It affords a navigation for loaded batteaux 180 miles in a direct line, in the winter tides.

The *Great Miami* of the Ohio, is 200 yards wide at the mouth. At the Piccawee towns, 75 miles above, it is reduced to 30 yards; it is, nevertheless, navigable for loaded canoes 50 miles above these towns. The portage from its western branch into the Miami of Lake Erie, is 5 miles; that from its eastern branch into Sandusky river is of 9 miles.

Salt River is at all times navigable for loaded batteaux 70 or 80 miles. It is 80 yards wide at its mouth, and keeps that width to its fork, 25 miles above.

The *Little Miami* of the Ohio, is 60 or 70 yards wide at its mouth, 60 miles to its source, and affords no navigation.

The *Scioto* is 250 yards wide at its mouth, which is in latitude 38° 22′. and at the Saltlick towns, 200 miles above the mouth, it is yet 100 yards wide. To these towns it is navigable for loaded batteaux, and its [20] eastern branch affords navigation almost to its source.

Great Sandy river is about sixty yards wide, and navigable sixty miles for loaded batteaux.

Guiandot is about the width of the river last mentioned, but is more rapid. It may be navigated by canoes sixty miles.

The *Great Kanhaway* is a river of considerable note for the fertility of its lands, and still more, as leading towards the head waters of James[1] river. Nevertheless it is doubtful whether its

[1] "James and Roanoke rivers" in edition of 1853.

great and numerous rapids will admit a navigation, but at an expense to which it will require ages to render its inhabitants equal. The great obstacles begin at what are called the great falls, 90 miles above the mouth, below which are only five or six rapids, and these passable, with some difficulty, even at low water. From the falls to the mouth of Greenbriar is 100 miles, and thence to the lead mines 120. It is 280 yards wide at its mouth.[1]

Hock-hocking is 8 yards wide at its mouth, and yields navigation for loaded batteaux to the Press-place, 60 miles above its mouth. [21]

The *Little Kanhaway* is 150 yards wide at the mouth. It yields a navigation of 10 miles only. Perhaps its northern branch, called Junius's creek, which interlocks with the western of Monongahela, may one day admit a shorter passage from the latter into the Ohio.

The *Muskingum* is 280 yards wide at its mouth, and 200 yards at the lower Indian towns, 150 miles upwards. It is navigable for small batteaux to within one mile of a navigable part of Cayahoga river, which runs into lake Erie.

At Fort Pitt the river Ohio loses its name, branching into the Monongahela and Allegany.

The *Monongahela* is 400 yards wide at its mouth. From thence is 12 or 15 miles to the mouth of Yohoganey, where it is 300 yards wide. Thence to Redstone by water is 50 miles, by land 30. Then to the mouth of Cheat river by water 40 miles, by land 28, the width continuing at 300 yards, and the navigation good for boats. Thence the width is about 200 yards to the western fork, 50 miles higher, and the navigation frequently interrupted by rapids, which however with [22] a swell of two or three feet, become very passable for boats. It then admits light boats, except in dry seasons, 65 miles further to the head of Tygart's valley, presenting only some small rapids and falls of one or two feet

[1] In the edition of 1853 is here added: "It is said, however, that at a very moderate expense the whole current of the upper part of the Kanhaway may be turned into the South Fork of Roanoke, the Alleghaney, there subsiding, and the two rivers approaching so near, that a canal of nine miles long and of thirty feet depth, at the deepest part would draw the water of the Kanhaway into this branch of the Roanoke; this canal would be in Montgomery County, the court-house of which is on the top of the Alleghaney."

perpendicular, and lessening in its width to 20 yards. The *Western fork* is navigable in the winter 10 or 15 miles towards the northern of the Little Kanhaway, and will admit a good wagon road to it. The *Yohoganey* is the principal branch of this river. It passes through the Laurel mountain, about 30 miles from its mouth; is so far from 300 to 150 yards wide, and the navigation much obstructed in dry weather by rapids and shoals. In its passage through the mountain it makes very great falls, admitting no navigation for ten miles to the Turkey foot. Thence to the great crossing, about 20 miles, it is again navigable, except in dry seasons, and at this place is 200 yards wide. The sources of this river are divided from those of the Patowmac by the Alleganey mountain. From the falls, where it intersects the Laurel mountain, to Fort Cumberland, the head of the navigation on the Patowmac, is 40 miles of very mountainous road. Wills' creek, at [23] the mouth of which was Fort Cumberland, is 30 or 40 yards wide, but affords no navigation as yet. *Cheat* river, another considerable branch of the Monongahela, is 200 yards wide at its mouth, and 100 yards at the *Dunkard's* settlement, 50 miles higher. It is navigable for boats, except in dry seasons. The boundary between Virginia and Pennsylvania crosses it about three or four miles above its mouth.

The *Allegany* river, with a slight swell, affords navigation for light batteaux to Venango, at the mouth of French creek, where it is 200 yards wide, and is practised even to Le Bœuf, from whence there is a portage of 15 miles to Presque Isle on the Lake Erie.

The country watered by the Missisipi and its eastern branches constitutes five-eighths of the United States, two of which five-eighths are occupied by the Ohio and its waters: the residuary streams which run into the gulph of Mexico, the Atlantic, and the St. Laurence water remaining three-eighths.

Before we quit the subject of the western waters, we will take a view of their principal connections with the Atlantic. These are [24] three; the Hudson's river, the Patowmac, and the Missisippi itself. Down the last will pass all heavy commodoties. But the navigation through the Gulph of Mexico is so dangerous, and that up the Missisipi so difficult and tedious, that it is

thought probable that European merchandise will not return through that channel. It is most likely that flour, timber, and other heavy articles will be floated on rafts, which will themselves be an article for Sale as well as their loading, the navigators returning by land, or in light batteaux. There will, therefore, be a competition between the Hudson and Patowmac rivers for the residue of the commerce of all the country westward of Lake Erie, on the waters of the lakes, of the Ohio, and upper parts of the Missisipi. To go to New York, that part of the trade which comes from the lakes or their waters, must first be brought into Lake Erie. Between Lake Superior and its waters and Huron are the rapids of St. Mary, which will permit boats to pass, but not larger vessels. Lakes Huron and Michigan afford communication with Lake Erie by vessels of 8 feet draught. That part of the trade which comes from the waters of the Missisipi must pass from them through [25] some portage into the waters of the lakes. The portage from the Illinois river into a water of Michigan is of one mile only. From the Wabash, Miami, Muskinghum, or Alleganey, are portages into the waters of Lake Erie, of from one to fifteen miles. When the commodities are brought into, and have passed through Lake Erie, there is between that and Ontario an interruption by the falls of Niagara, where the portage is of 8 miles; and between Ontario and the Hudson's river are portages at the falls of Onondago, a little above Oswego, of a quarter of a mile; from Wood creek to the Mohawks river two miles; at the little falls of the Mohawks river half a mile; and from Schenectady to Albany sixteen miles. Besides the increase of expense occasioned by frequent change of carriage, there is an increased risk of pillage produced by committing merchandize to a greater number of hands successively. The Patowmac offers itself under the following circumstances: For the trade of the lakes and their waters westward of Lake Erie, when it shall have entered that lake, it must coast along its southern shore, on account of the number and excellence of its harbours; the northern, though shortest, having few harbours, and [26] these unsafe. Having reached Cayahoga, to proceed on to New York it will have 825 miles and five portages; whereas it is but 425 miles to Alexandria, its emporium on the Patowmac, if it turns into the

Cayahoga and passes through that, Bigbeaver, Ohio, Yohogania, or Monongalia and Cheat,) and Patowmac, and there are but two portages ; the first of which, between Cayahoga and Beaver, may be removed by uniting the sources of these waters, which are lakes in the neighborhood of each other and in a champaign country ; the other to waters of Ohio to Patowmac will be from 15 to 40 miles, according to the trouble which shall be taken to approach the two navigations. For the trade of the Ohio, or that which shall come into it from its own waters or the Missisipi, it is nearer through the Patowmac to Alexandria than to New York by 580 miles, and it is interrupted by one portage only. There is another circumstance of difference too. The lakes themselves never freeze, but the communications between them freeze and the Hudson's river is itself shut up by the ice three months in the year ; whereas the channel to the Chesa-[27] peak leads directly into a warmer climate. The southern parts of it very rarely freeze at all, and whenever the northern do, it is so near the sources of the rivers, that the frequent floods to which they are there liable, break up the ice immediately, so that vessels may pass through the whole winter, subject only to accidental and short delays. Add to all this, that in case of war with our neighbors, the Anglo-Americans or the Indians, the route to New York becomes a frontier through almost its whole length, and all commerce through it ceases at that moment.—But the channel to New York is already known to practice, whereas the upper waters of the Ohio and the Patowmac, and the great falls of the latter, are yet to be cleared of their fixed obstructions.[1]

[1] Besides the three channels of communication mentioned between the western waters and the Atlantic, there are two others to which the Pennsylvanians are turning their attention ; one from Presque-isle, on Lake Erie, to Le Bœuf, down the Alleganey to Kiskiminitas, then up the Kiskiminitas, and from thence, by a small portage, to Juniata, which falls into the Susquehanna : the other from Lake Ontario to the East branch of the Delaware, and down that to Philadelphia. Both these are said to be very practicable ; and, considering the enterprising temper of the Pennsylvanians, and particularly of the merchants of Philadelphia, whose object is concentred in promoting the commerce and trade of one city, it is not improbable but one or both of these communications will be opened and improved.—*Charles Thomson in appendix.*

QUERY III.

A notice of the best seaports of the state, and how big are the vessels they can receive?

Having no ports but our rivers and creeks, this Query has been answered under the preceding one. [28.]

QUERY IV.

A notice of its Mountains?

For the particular geography of our mountains I must refer to Fry and Jefferson's map of Virginia: and to Evans' analysis of his map of America for a more philosophical view of them than is to be found in any other work. It is worthy notice, that our mountains are not solitary and scattered confusedly over the face of the country; but that they commence at about 150 miles from the sea-coast, are disposed in ridges one behind another, running nearly parallel with the sea-coast, though rather approaching it as they advance north-east wardly. To the south-west, as the tract of country between the sea-coast and the Missisipi becomes narrower, the mountains converge into a single ridge, which, as it approaches the Gulph of Mexico, subsides into plain country, and gives rise to some of the waters of that Gulph, and particularly to a river called the Apalachicola, probably from the Apalachies, an Indian nation formerly residing on it. Hence [29] the mountains giving rise to that river, and seen from its various parts, were called the Apalachian mountains, being in fact the end or termination only of the great ridges passing through the continent. European geographers however extended the name northwardly as far as the mountains extended; some giving it, after their separation into different ridges, to the Blue ridge, others to the North mountain, others to the Alleghaney, others to the Laurel ridge, as may be seen by their different maps. But the fact I believe is, that none of these ridges were ever known by that name to the inhabitants, either native or emigrant, but as they saw them so called in European maps. In the same direction generally are the veins of limestone, coal and other minerals hitherto discovered: and so range the falls of our great rivers.

But the courses of the great rivers are at right angles with these. James and Patowmac penetrate through all the ridges of mountains eastward of the Alleganey. That is broken by no watercourse. It is in fact the spine of the country between the Atlantic on one side, and the Missisipi and St. Laurence on the other. The passage of [30] the Patowmac through the Blue ridge is perhaps one of the most stupendous scenes in nature. You stand on a very high point of land. On your right comes up the Shenandoah, having ranged along the foot of the mountain an hundred miles to seek a vent. On your left approaches the Patowmac, in quest of a passage also. In the moment of their junction they rush together against the mountain, rend it asunder, and pass off to the sea. The first glance of this scene hurries our senses into the opinion that this earth has been created in time, that the mountains were formed first, that the rivers began to flow afterwards, that in this place particularly they have been dammed up by the Blue ridge of mountains, and have formed an ocean which filled the whole valley ; that continuing to rise they have at length broken over at this spot, and have torn the mountain down from its summit to its base. The piles of rock on each hand, but particularly on the Shenandoah, the evident marks of their disrupture and avulsion from their beds by the most powerful agents of nature, corroborate the impression. But the distant finishing which nature has given to the pic-[31] ture, is of a very different character. It is a true contrast to the foreground. It is as placid and delightful as that is wild and tremendous. For the mountain being cloven asunder, she presents to your eye, through the cleft, a small catch of smooth blue horizon, at an infinite distance in the plain country, inviting you, as it were, from the riot and tumult roaring around, to pass through the breach and participate of the calm below. Here the eye ultimately composes itself ; and that way too the road happens actually to lead. You cross the Patowmac above the junction, pass along its side through the base of the mountain for three miles, its terrible precipices hanging in fragments over you, and within about 20 miles reach Frederic town and the fine country round that. This scene is worth a voyage across the Atlantic. Yet here, as in the neighborhood of the natural

bridge, are people who have passed their lives within half a dozen miles, and have never been to survey these monuments of a war between rivers and mountains which must have shaken the earth itself to its centre.[1]—The height of our mountains has not yet been [32] estimated with any degree of exactness. The Alleghaney being the great ridge which divides the waters of the Atlantic from those of the Missisipi, its summit is doubtless more elevated above the ocean than that of any other mountain. But its relative height, compared with the base on which it stands, is

[1] "The reflections I was led into on viewing this passage of the Potowmac thro' the Blue ridge were, that this country must have suffered some violent convulsion, and that the face of it must have been changed from what it probably was some centuries ago; that the broken and ragged faces of the mountain on each side the river; the tremendous rocks, which are left with one end fixed in the precipice, and the other jutting out, and seemingly ready to fall for want of support, the bed of the river for several miles below obstructed, and filled with the loose stones carried from this mound; in short, everything on which you cast your eye evidently demonstrates a disrupture and breach in the mountain, and that, before this happened, what is now a fruitful vale, was formerly a great lake or collection of water, which possibly might have here formed a mighty cascade, or had its vent to the ocean by the Susquehanna, where the Blue ridge seems to terminate. Besides this, there are other parts of this country which bear evident traces of a like convulsion. From the best accounts I have been able to obtain, the place where the Delaware now flows through the Kittatinny mountain, which is a continuation of what is called the North ridge, or mountain, was not its original course, but that it passed through what is now called "the Wind-gap," a place several miles to the westward, and about a hundred feet higher than the present bed of the river. This Wind-gap is about a mile broad, and the stones in it such as seem to have been washed for ages by water running over them. Should this have been the case, there must have been a large lake behind that mountain, and by some uncommon swell in the waters, or by some convulsion of nature, the river must have opened its way through a different part of the mountain, and meeting there with less obstruction, carried away with it the opposing mounds of earth, and deluged the country below with the immense collection of waters to which this new passage gave vent. There are still remaining, and daily discovered, innumerable instances of such a deluge on both sides of the river, after it passed the hills above the falls of Trenton, and reached the Champaign. On the New Jersey side, which is flatter than the Pennsylvania side, all the country below Croswick hills seems to have been overflowed to the distance of from ten to fifteen miles back from the river, and to have acquired a new soil by the earth and clay brought down and mixed with the native sand. The spot on which Philadelphia stands evidently appears to

not so great as that of some others, the country rising behind the successive ridges like the steps of stairs. The mountains of the Blue ridge, and of these the Peaks of Otter, are thought to be of a greater height, measured from their base, than any others in our country, and perhaps in North America. From data, which may found a tolerable conjecture, we suppose the highest peak to be about 4000 feet perpendicular, which is not a fifth part of the height of the mountains of South America,[1] nor one third of the height which would be necessary in our latitude to preserve ice

be made ground. The different strata through which they pass in digging to water, the acorns, leaves, and sometimes branches, which are found above twenty feet below the surface, all seem to demonstrate this. I am informed that at Yorktown in Virginia, in the bank of York river, there are different strata of shells and earth, one above another, which seem to point out that the country there has undergone several changes; that the sea has, for a succession of ages, occupied the place where dry land now appears; and that the ground has been suddenly raised at various periods. What a change would it make in the country below, should the mountains at Niagara, by any accident, be cleft asunder, and a passage suddenly opened to drain off the waters of Erie and the upper lakes! While ruminating on these subjects, I have often been hurried away by fancy, and led to imagine, that what is now the bay of Mexico, was once a champaign country; and that from the point or cape of Florida, there was a continued range of mountains through Cuba, Hispaniola, Porto Rico, Martinique, Guadaloupe, Barbadoes, and Trinidad, till it reached the coast of America, and formed the shores which bounded the ocean, and guarded the country behind; that by some convulsion or shock of nature, the sea had broken through these mounds, and deluged that vast plain, till it reached the foot of the Andes; that being there heaped up by the trade winds, always blowing from one quarter, it had found its way back, as it continues to do, through the Gulf between Florida and Cuba, carrying with it the loam and sand it may have scooped from the country it had occupied, part of which it may have deposited on the shores of North America, and with part formed the banks of Newfoundland. But these are only the visions of fancy."—*Charles Thomson, in appendix.*

In the edition of 1853 is added the following footnote: "Herodutus, l. 7, c. 129, after stating that Thessaly is a plain country surrounded by high mountains, from which there is no outlet but the fissure through which the Peneus flows, and that according to ancient tradition it had once been an entire lake, supposes that fissure to have been made by an earthquake rending the mountain asunder."

[1] In the edition of 1853 are footnote references as follows: "1. Epoques, 434. Musschenbroek, § 2,312. 2. Epoques, 317."

in the open air unmelted through the year. The ridge of mountains next beyond the Blue ridge, called by us the North mountain, is of the greatest extent ; for which reason they were named by the Indians the Endless mountains.[1] [33]

A substance supposed to be Pumice, found floating on the Missisipi, has induced a conjecture that there is a volcano on some of its waters ; and as these are mostly known to their sources, except the Missouri, our expectations of verifying the conjecture would of course be led to the mountains which divide

[1] In the edition of 1853, the following addition is here inserted : "To what is here said on the height of mountains, subsequent information has enabled me to furnish some additions and corrections.

"General Williams, a nephew of Dr. Franklin, on a journey from Richmond by the warm and Red Springs to the Alleghaney, has estimated by barometrical observations the height of some of our ridges of mountains above the tide-water as follows :

	feet
The Eastern base of the Blue Ridge subjacent to Rockfish Gap,	100
Summit of the mountain adjacent to that Gap,	1,822
The valley constituting the Eastern basis of the Warm Spring Mountain,	943
Summit of the Warm Spring Mountain,	2,247
The Western valley of the Warm Spring Mountain, being the Eastern base of the Alleghaney,	949
Summit of the Alleghaney, 6 miles Southwest of the Red Springs,	2,760

"In November, 1815, with a Ramsden's theodolite of 3½ inches radius, with nonius divisions to 3′, and a base of 1¼ mile on the low grounds of Otter River, distant 4 miles from the summits of the two peaks of Otter, I measured geometrically their heights above the water of the river at its base, and found that of the sharp or South peak, 2,946½

That of the flat or North peak, 3,103½

"As we may with confidence say that the base of the peaks is at least as high above the tide-water at Richmond as that of the Blue Ridge at Rockfish Gap, (being 40 miles farther westward,) and their highest summit of course 3,203½ feet above that tide-water, it follows that the summit of the highest peak is 343½ feet higher than that of the Alleghaney, as measured by General Williams.

"The highest of the White Mountains in New Hampshire, by barometrical estimate made by Captain Partridge, was found to be 4,885 feet from its base, and the highest of the Catskill mountains in New York 3,105 feet.

"Two observations, with an excellent pocket sextant, gave a mean of 37° 28′ 50″ for the latitude of the sharp peak of Otter.

"Baron Humboldt states that in latitude 37° (which is nearly over medium parallel,) perpetual snow is no where known so low as 1,200 toises = 7,671 feet above the level of the sea, and in sesquialtoral ratio nearly to the highest peak of Otter."

the waters of the Mexican Gulph from those of the South sea; but no volcano having ever yet been known at such a distance from the sea, we must rather suppose that this floating substance has been erroneously deemed Pumice.[1]

QUERY V.

Its cascades and caverns?

The only remarkable Cascade in this[2] country is that of the Falling Spring in Augusta. It is a water of James river where it is called Jackson's river, rising in the warm spring mountains, about twenty miles South West of the warm spring, and flowing into[3] that valley. About three quarters of a mile from its source it falls over a rock 200 feet into the valley below. The sheet of water is broken [34] in its breadth by the rock, in two or three places, but not at all in its height. Between the sheet and the rock, at the bottom, you may walk across dry. This Cataract will bear no comparison with that of Niagara as to the quantity of water composing it; the sheet being only 12 or 15 feet wide above, and somewhat more spread below; but it is half as high again, the latter being only 156 feet, according to the mensuration made by order of M. Vaudreuil, Governor of Canada, and 130 according to a more recent account.

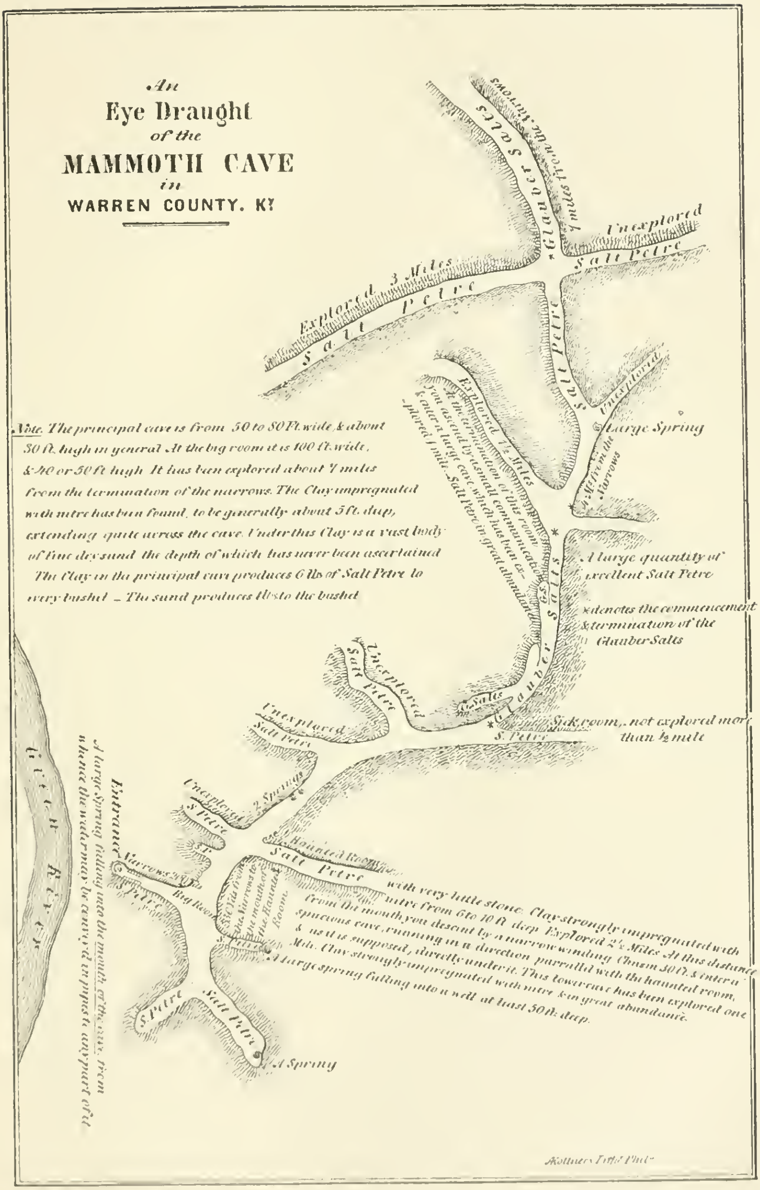
In the limestone country there are many caverns of very considerable extent. The most noted is called Madison's Cave, and is on the North side of the Blue ridge, near the intersection of the Rockingham and Augusta line with the south fork of the southern river of Shenandoah. It is in a hill of about 200 feet perpendicular height, the ascent of which, on one side, is so steep, that you may pitch a biscuit from its summit into the river

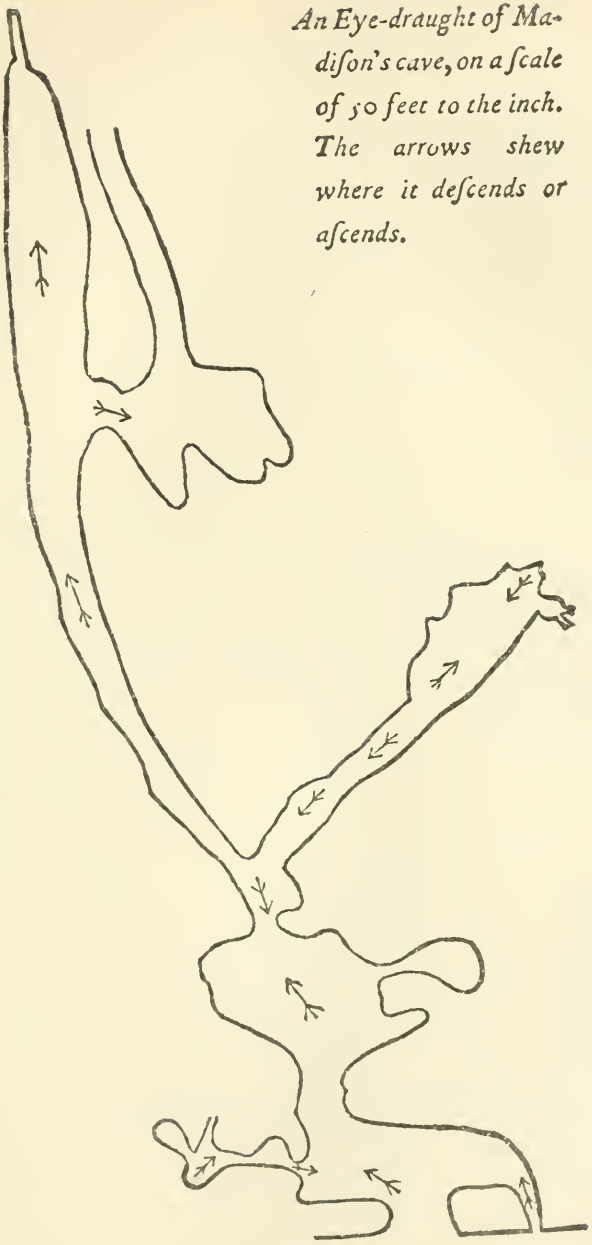
[1] In the edition of 1853 is a footnote reference to "2 Epoques, 91, 112."

[2] In edition of 1853 is the following footnote:

"Bouguer mentions a cascade of two or three hundred toises height of the Bogota, a considerable river passing Santa Fé. The cataract is verticle, and is about 15 or 16 leagues below Santa Fe.—Bouguer, xci. Buffon mentions one of 300 feet at Terni, in Italy. 1. Epoques, 470."

[3] Altered in edition of 1853 to "and flowing from that valley."


An
Eye Draught
of the
MAMMOTH CAVE
in
WARREN COUNTY, KY
Note. The principal cave is from 50 to 80 Ft. wide & about 30 ft. high in general. At the big room it is 100 ft. wide, & 40 or 50 ft high. It has been explored about 7 miles from the termination of the narrows. The Clay impregnated with nitre has been found, to be generally about 5 ft. deep, extending quite across the cave. Under this Clay is a vast body of fine dry sand the depth of which has never been ascertained. The Clay in the principal cave produces 6 lbs of Salt Petre to every bushel – The sand produces 1lbs to the bushel
Explored 3 Miles
Salt Petre
Unexplored
Salt Petre
Glauber Salts
Glauber Salts
Unexplored
Large Spring
A large quantity of excellent Salt Petre
* denotes the commencement & termination of the Glauber Salts
Sick room, not explored more than ½ mile
S. Petre
Unexplored
Salt Petre
Unexplored
Salt Petre
Unexplored
S. Petre
2 Springs
Entrance
Narrows
Big Room
Haunted Room
Salt Petre
with very little stone. Clay strongly impregnated with nitre from 6 to 10 ft deep. Explored 2½ Miles. At this distance from the mouth you descend by a narrow winding Chasm 30 ft. & enter a spacious cave, running in a direction parallel with the haunted room, & as it is supposed, directly under it. This lower cave has been explored one Mile. Clay strongly impregnated with nitre & in great abundance.
A large spring falling into a well at least 50 ft. deep.
S. Petre
Salt Petre
A Spring
A large Spring falling into the mouth of the cave, from whence the water may be conveyed in pipes to any part of it
Green River
Kollner's Lith. Phil.

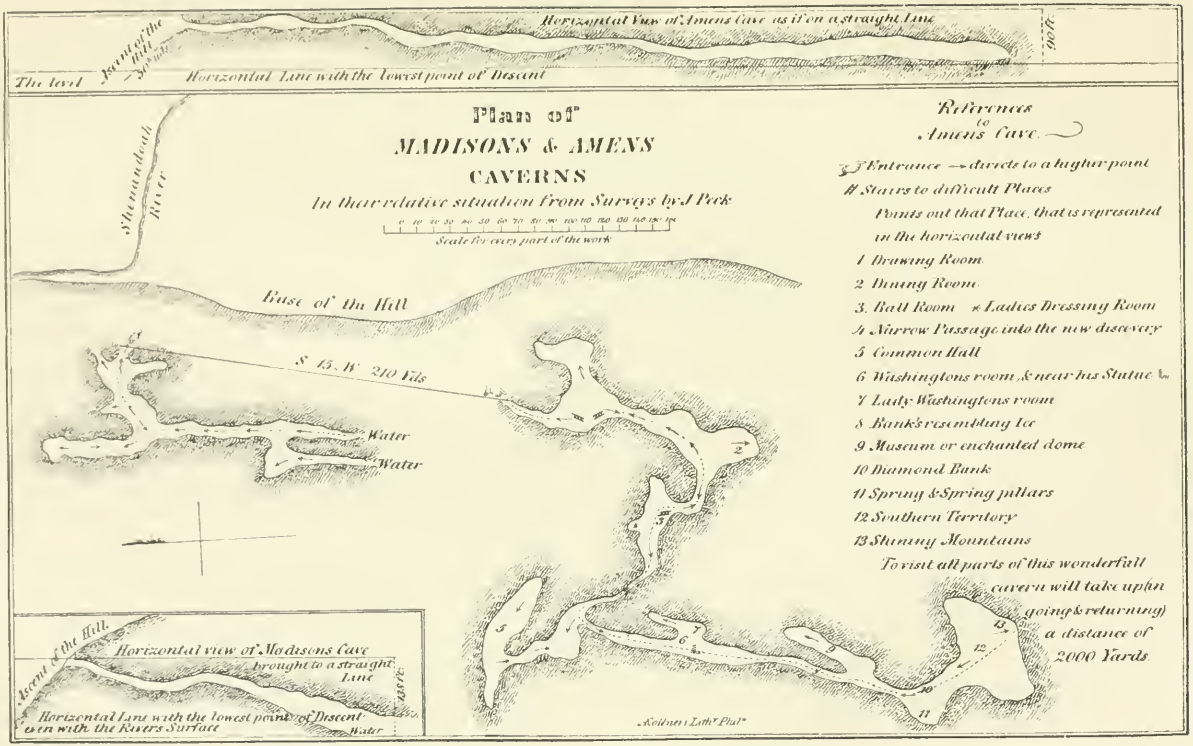


An Eye-draught of Madiſon's cave, on a ſcale of 50 feet to the inch. The arrows ſhew where it deſcends or aſcends.

which washes its base. The entrance of the cave is, in this side, about two-thirds of the way up. It extends into the earth about 300 feet, branching into subordinate caverns, sometimes ascending a little, but more gen -[36] erally descending, and at length terminates, in two different places, at basons of water of unknown extent, and which I should judge to be nearly on a level with the water of the river ; however, I do not think they are formed by refluent water from that, because they are never turbid ; because they do not rise and fall in correspondence with that in times of flood, or of drought ; and because the water is always cool. It is probably one of the many reservoirs with which the interior parts of the earth are supposed to abound, and yield supplies to the fountains of water, distinguished from others only by being accessible. The vault of this cave is of solid lime-stone, from 20 to 40 or 50 feet high ; through which water is continually percolating. This, trickling down the sides of the cave, has incrusted them over in the form of elegant drapery ; and dripping from the top of the vault, generates on that, and on the base below, stalactites of a conical form, some of which have met and formed massive columns.

Another of these caves is near the North mountain, in the county of Frederic, on the lands of Mr. Zane. The entrance into this is on the top of an extensive ridge [37]. You descend 30 or 40 feet, as into a well, from whence the cave then extends, nearly horizontally, 400 feet into the earth, preserving a breadth of from 20 to 50 feet, and a height of from 5 to 12 feet. After entering this cave a few feet, the mercury, which in the open air was 50°. rose to 57°. of Farenheit's thermometer, answering to 11°. of Reaumur's, and it continued at that to the remotest parts of the cave. The uniform temperature of the cellars of the observatory of Paris, which are 90 feet deep, and of all subterranean cavities of any depth, where no chymical agents may be supposed to produce a factitious heat, has been found to be 10°. of Reaumur, equal to 54½°. of Farenheit. The temperature of the cave above-mentioned so nearly corresponds with this, that the difference may be ascribed to a difference of instruments.

At the Panther gap, in the ridge which divides the waters of the Cow and the Calf pasture, is what is called the *Blowing cave.*


Horizontal View of Amens Cave as if on a straight Line
The level
Ascent of the Hill
Horizontal Line with the lowest point of Descent
Plan of
MADISONS & AMENS
CAVERNS
In their relative situation from Surveys by J Peck
Scale for every part of the work
Shenandoah River
Base of the Hill
S. 15. W 210 Yds
Water
Water
References to Amens Cave
Entrance — directs to a higher point
Stairs to difficult Places
Points out that Place, that is represented in the horizontal views
1 Drawing Room
2 Dining Room
3. Ball Room * Ladies Dressing Room
4 Narrow Passage into the new discovery
5 Common Hall
6 Washingtons room & near his Statue
7 Lady Washingtons room
8 Bank's resembling Ice
9 Museum or enchanted dome
10 Diamond Bank
11 Spring & Spring pillars
12 Southern Territory
13 Shinny Mountains
To visit all parts of this wonderfull cavern will take up in going & returning a distance of 2000 Yards
Ascent of the Hill
Horizontal view of Madisons Cave brought to a straight Line
Horizontal Line with the lowest point of Descent even with the Rivers Surface
Water
Keilner's Lith. Phil.

No. 2.

It is in the side of a hill, is of about 100 feet diameter, and emits constantly a current of air of such force as to keep the weeds prostrate to the distance of twenty yards [38] before it. This current is strongest in dry frosty weather, and in long spells of rain weakest. Regular inspirations and expirations of air, by caverns and fissures, have been probably enough accounted for, by supposing them combined with intermitting fountains ; as they must of course inhale air while their reservoirs are emptying themselves, and again emit it while they are filling. But a constant issue of air, only varying in its force as the weather is drier or damper, will require a new hypothesis.[1] There is another blowing cave in the Cumberland mountain, about a mile from where it crosses the Carolina line. All we know of this is, that it is not constant, and that a fountain of water issues from it.

The *Natural bridge*, the most sublime of Nature's works, though not comprehended under the present head, must not be pretermitted. It is on the ascent of a hill, which seems to have been cloven through its length by some great convulsion. The fissure, just at the bridge, is, by some admeasurements, 270 feet deep, by others only 205. It is about 45 feet wide at the bottom and 90 feet at the top ; this of course determines the length of the bridge, and its height from the water. [39] Its breadth in the middle is about 60 feet, but more at the ends, and the thickness of the mass at the summit of the arch, about 40 feet. A part of this thickness is constituted by a coat of earth, which gives growth to many large trees. The residue, with the hill on both sides, is one solid rock of limestone. The arch approaches the Semi-elliptical form ; but the larger axis of the ellipsis, which would be the cord of the arch, is many times longer than[2] the transverse. Though the sides of this bridge are provided in some parts with a parapet of fixed rocks, yet few men have resolution to walk to them, and look over into the abyss. You involuntarily fall on your hands and feet, creep to the parapet, and peep over it. Looking down from this height about a minute,

[1] In the edition of 1853 is a footnote reference, "See Musschenbroek, § 2, 604."

[2] Altered in edition of 1853 to read : "than the semi-axis which gives its height."

gave me a violent head ach.[1] If the view from the top be painful and intolerable, that from below is delightful in an equal extreme. It is impossible for the emotions arising from the sublime to be felt beyond what they are here; so beautiful an arch, so elevated, so light, and springing as it were up to heaven, the rapture of the spectator is really indescribable! The fissure continuing narrow, deep, and streight [40] for a considerable distance above and below the bridge, opens a short but very pleasing view of the North mountain on one side, and the Blue ridge on the other, at the distance each of them of about five miles. This bridge is in the county of Rockbridge, to which it has given name, and affords a public and commodious passage over a valley which cannot be crossed elsewhere for a considerable distance. The stream passing under it is called Cedar creek. It is a water of James river, and sufficient in the driest seasons to turn a grist mill, though its fountain is not more than two miles above.[2] [41]

[1] In the edition of 1853, the text from this point to the end of the paragraph is altered to read: "and descending then to the valley below, the sensation becomes delightful in the extreme. It is impossible for the emotions arising from the sublime to be felt beyond what they are here: so beautiful an arch, so elevated, so light, and springing as it were up to heaven, the rapture of the spectator is really indescribable. The fissure continues deep and narrow, and following the margin of the stream upwards, about three-eighths of a mile, you arrive at a limestone cavern, less remarkable for the height and extent than those before described. Its entrance into the hill is but a few feet above the bed of the stream. This bridge is in the county of Rockbridge, to which it was given name, and affords a public and commodious passage over a valley, which cannot be crossed elsewhere for a considerable distance. The stream passing under it is called Cedar Creek. It is a water of James River, and sufficient in the dryest seasons to turn a grist mill, though its fountain is not more than two miles above.

This description was written after a lapse of several years from the time of my visit to the bridge, and under an error of recollection which requires apology, for it is from the bridge itself that the mountains are visible both ways, and not from the bottom of the fissure, as my impression then was. The statement therefore in the former editions needs the corrections here given to it. August 16, 1817."

[2] Don Ulloa mentions a break, similar to this, in the province of Angaraez in South America. It is from sixteen to twenty-two feet wide, one hundred and eleven feet deep, and of 1.3 miles continuance, English measure. Its breadth at top is not sensibly greater than at bottom. But the following fact is

QUERY VI.

A notice of the mines and other subterraneous riches; its trees, plants, fruits, &c.

I knew a single instance of gold found in this state. It was interspersed in small specks through a lump of ore of about four pounds weight, which yielded seventeen pennyweights of gold, of extraordinary ductility. [42] This ore was found on the north side of Rappahanoc, about four miles below the falls. I never heard of any other indication of gold in its neighborhood.

On the Great Kanhaway, opposite to the mouth of Cripple creek, and about twenty-five miles from our southern boundary, in the county of Montgomery, are mines of lead. The metal is mixed, sometimes with earth, and sometimes with rock, which requires the force of gunpowder to open it; and is accompanied with a portion of silver too small to be worth separation under

remarkable, and will furnish some light for conjecturing the probable origin of our natural bridge. "Esta caxa, ó cauce está cortada en péna viva con tanta precision, que las desigualdades del un lado entrantes, corresponden á las del otro lado salientes, como si aquella altura se hubiese abierto expresamente, con sus bueltas y tortuosidades, para darle transito á los aguas por entre los dos morallones que la forman; siendo tal su igualdad, que si llegasen á juntarse se endentarian uno con otro sin dextar hueco." Not. Amer. ii. § 10. Don Ulloa inclines to the opinion that this channel has been effected by the wearing of the water which runs through it, rather than that the mountain should have been broken open by any convulsion of nature. But if it had been worn by the running of water, would not the rocks which form the sides, have been worn plain? or if, meeting in some parts with veins of harder stone, the water had left prominences on the one side, would not the same cause have sometimes, or perhaps generally, occasioned prominences on the other side also? Yet Don Ulloa tells us, that on the other side there are always corresponding cavities, and that these tally with the prominences so perfectly, that, were the two sides to come together they would fit in all their indentures, without leaving any void. I think that this does not resemble the effect of running water, but looks rather as if the two sides had parted asunder. The sides of the break, over which is the Natural bridge of Virginia, consisting of a veiny rock which yields to time, the correspondence between the salient and re-entering inequalities, if it existed at all, has now disappeared. This break has the advantage of the one described by Don Ulloa in its finest circumstance; no portion in that instance having held together, during the separation of the other parts, so as to form a bridge over the Abyss.—*T. J.*

any process hitherto attempted there. The proportion yielded is from 50 to 80 pounds of pure [43] metal from 100 pounds of washed ore. The most common is that of 60 to 100 pounds. The veins are sometimes most flattering, at others they disappear suddenly and totally. They enter the side of the hill and proceed horizontally. Two of them are wrought at present by the public, the best of which is 100 yards under the hill. These would employ about 50 laborers to advantage. We have not, however, more than 30 generally, and these cultivate their own corn. They have produced 60 tons of lead in the year; but the general quantity is from 20 to 25 tons. The present furnace is a mile from the ore-bank and on the opposite side of the river. The ore is first waggoned to the river, a quarter of a mile, then laden on board of canoes and carried across the river, which is there about 200 yards wide, and then again taken into wagons and carried to the furnace. This mode was originally adopted that they might avail themselves of a good situation on a creek, for a pounding mill: but it would be easy to have the furnace and pounding mill on the same side of the river, which would yield water, without any dam, by a canal of about half a mile in length. [44] From the furnace the lead is transported 130 miles along a good road, leading through the peaks of Otter to Lynch's ferry, or Winston's on James river, from whence it is carried by water about the same distance to Westham. This land carriage may be greatly shortened, by delivering the lead on James river, above the blue ridge, from whence a ton weight has been brought on two canoes. The Great Kanhaway has considerable falls in the neighborhood of the mines. About seven miles below are three falls, of three or four feet perpendicular each; and three miles above is a rapid of three miles continuance, which has been compared in its descent to the great fall of James river. Yet it is the opinion, that they may be laid open for useful navigation, so as to reduce very much the portage between the Kanhaway and James river.

A valuable lead mine is said to have been lately discovered in Cumberland, below the mouth of Red river. The greatest, however, known in the western country, are the Missisipi, extending from the mouth of Rock river 150 miles upwards. These are

not wrought, the lead used in that country being [45] from the banks on the Spanish side of the Missisipi, opposite to Kaskaskia.

A mine of copper was once opened in the county of Amherst, on the North side of James river, and another in the opposite country, on the South side. However, either from bad management or the poverty of the veins, they were discontinued. We are told of a rich mine of native copper on the Ouabache, below the upper Wiaw.

The mines of iron worked at present, are Callaway's, Ross's, and Ballendine's, on the South side of James river ; Old's on the North side, in Albemarle ; Miller's in Augusta, and Zane's in Frederic. These two last are in the valley between the Blue ridge and the North mountain. Callaway's, Ross's, Miller's, and Zane's m ke about 150 tons of bar iron each, in the year. Ross's makes also about 1600 tons of pig iron annually ; Ballendine's 1000 ; Callaway's, Miller's, and Zane's, about 600 each. Besides these, a forge of Mr. Hunter's, at Fredericksburgh, makes about 300 tons a year of bar iron, from pigs imported from Maryland ; and Taylor's forge on Neapsco of Patowmac, works in the same way, but to what extent I am not informed. [46] The indications of iron in other places are numerous, and dispersed through all the middle country. The toughness of the cast iron of Ross's and Zane's furnaces is very remarkable. Pots and other utensils, cast thinner than usual, of this iron, may be safely thrown into, or out of the waggons in which they are transported. Salt-pans made of the same, and no longer wanted for that purpose, cannot be broken up, in order to be melted again, unless previously drilled in many parts.

In the western country, we are told of iron mines between the Muskingham[1] and Ohio ; of others on Kentucky, between the Cumberland and Barren rivers, between Cumberland and Tannissee, on Reedy creek near the Long island, and on Chesnut creek, a branch of the great Kanhaway, near where it crosses the Carolina line. What are called the iron banks, on the Missisipi, are believed, by a good judge, to have no iron in them.

[1] Altered to "Muskingum" in edition of 1787.

In general, from what is hitherto known of that country, it seems to want iron.

Considerable quantities of black lead are taken occasionally for use from Winterham in the county of Amelia. I am not able, however, to give a particular state of the [47] mine. There is no work established at it; those who want going and procuring it for themselves.

The country on James river, from 15 to 20 miles above Richmond, and for several miles northward and southward, is replete with mineral coal of a very excellent quality. Being in the hands of many proprietors, pits have been opened, and, before the interruption of our commerce, were worked to an extent equal to the demand.

In the western country coal is known to be in so many places, as to have induced an opinion, that the whole tract between the Laurel mountain, Missisipi, and Ohio, yields coal. It is also known in many places on the North side of the Ohio. The coal at Pittsburg is of very superior quality. A bed of it at that place has been afire since the year 1765. Another coal-hill on the Pike-run of Monongahela has been afire ten years; yet it has burnt away about twenty yards only.

I have known one instance of an Emerald found in this country. [48] Amethysts have been frequent, and chrystals common; yet not in such numbers any of them as to be worth seeking.

There is very good marble, and in very great abundance, on James river, at the mouth of Rockfish. The samples I have seen were some of them of a white as pure as one might expect to find on the surface of the earth: but most of them were variegated with red, blue, and purple. None of it has been ever worked. It forms a very large precipice, which hangs over a navigable part of the river. It is said there is marble at Kentucky.

But one vein of limestone is known below the Blue ridge. Its first appearance, in our country, is in Prince William, two miles below the Pignut ridge of mountains; thence it passes on nearly parallel with that and crosses the Rivanna about five miles below it, where it is called the South-west ridge. It then crosses the Hardware, above the mouth of Hudson's creek,

James river at the mouth of Rockfish, at the marble quarry before spoken of, probably runs up that river to where it appears again at Ross's iron-works, and so passes off south-westwardly by Flat creek of Otter river. It is never more than one hundred yards wide. [49] From the Blue ridge westwardly, the whole country seems to be founded on a rock of limestone, besides infinite quantities on the surface, both loose and fixed. This is cut into beds, which range, as the mountains and sea-coast do, from south-west to north east, the lamina of each bed declining from the horizon towards a parallelism with the axis of the earth. Being struck with this observation, I made, with a quadrant, a great number of trials on the angles of their declination, and found them to vary from 22°. to 60°. but averaging all my trials, the result was within one-third of a degree of the elevation of the pole or latitude of the place, and much the greatest part of them taken separately were little different from that; by which it appears, that these lamina are, in the main, parallel with the axis of the earth. In some instances, indeed, I found them perpendicular, and even reclining the other way; but these were extremely rare, and always attended with signs of convulsion, or other circumstances of singularity, which admitted a possibility of removal from their original position. These trials were made between Madison's cave and the Patowmac. [50] We hear of limestone on the Missisipi and Ohio, and in all the mountainous country between the eastern and western waters, not on the mountains themselves, but occupying the vallies between them.[1]

[1] In the edition of 1853, a paragraph is here inserted, as follows:

"Adjacent to the vein of lime stone first mentioned, or at least to some parts of it, is a vein of Slate of greater breadth than that of the lime stone, sometimes mixed with it. The neighborhood of these veins of lime stone, and slate, and of lime stone and schist, between the North Mountain and Blue Ridge, coincides with the following observations of Bouguer, while in Peru: Le *marbre* est tres commun sur le bord de plusieurs de ces rivieres: on y voit aussi des rochers *d'ardoise* & j'ai souvent eu occasion d'y observer le grande affinité qu'il y a entre ces deux sortes de pierre. J'avois deja fait cette remarque dans la Cordeliere. Les rochers de marbre et d'ardoise s'y touchent souvent, et j'en ai vu qui etoit ardoise par une extremité et marbre parfait par l'autre. Toutes les fois qui qui'il survient un nouveau sur pierreux analogue à l'ardoise et en unit les feuilles, il rend tout le rocher plus compacte et plus dur; le rocher

Near the eastern foot of the North mountain are immense bodies of *Schist*, containing impressions of shells in a variety of forms. I have received petrified shells of very different kinds from the first sources of Kentucky, which bear no resemblance to any I have ever seen on the tide-waters. It is said [1] that shells are found in the Andes, in South-America, fifteen thousand feet above the level of the ocean. This is considered by many, both of the learned and unlearned, as a proof of an universal deluge.

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cesse d'etre de l'ardoise pour devener du marbre. Une pierre également distribuée par feuilles qu'on nomme *schite*, est aussi sujette à cette transformation. Quelquefois ce ne sont pas simplement des feuilles qui se soudent entr'elles un quartier de cette pierre se joint comme au hazard avec au autre. Si le tout est ensuite exposé à l'action du gravier & des cailloux roulés par un eau courante, et qu'il reçoive, une sorte d'arrondissement qui le rende à peu près sylindrique, il prend toutes les apparences d'un tronc d'arbre ; et il est meme quelquefois très difficile de ne s'y pas tromper. Je fus très faché de ne pouvoir porter avec moi une de ces-especes de tronc que je trouvai dans une ravine entre Guanacas et la Plata, au pied d'une colline nommé la Subida del Frayle. C'etoit un morceau de marbre qui avoit 20 pouces de longueur sur 17 ou 18 de diametre ; on distinguoit comme, les fibres du bois, la surface presente des noeuds de diverses formes ; le conteur meme du tronc etoit également propre à en imposer. Il y avoit un enfoncement d'un coté qui formoit un angle rentrant, et une saillie du coté opposé. Je ne sçavois qu'en penser, de meme que les personnes qui m'accompagnoient. Je ne reussis enfin a me decider, qu'en jettant les yeux sur d'autres quartiers de schite que etoient auprés, qui commençoient á prendre les memes apparences, mais qui n'etoient pas encore dans un etat à pouvoir jetter dans l'erreur, et au contraire m'eclairerent sur la nature du morceau de marbre. On pretend qu'entre les differens bois c'est le gayac qui se petrifie le plus aisement. On m'assuroit que je verrois audessou de Mompox une croix dont tout le haut de l'arbre etoit encore de ce bois pendent que le bas etoit reellement de la pierre à fusil. Plusieurs personnes m'affirmerent en avoit tiré du feu. Lorsque je passai dans cet endroit on me confirma la meme chose ; mais on m'ajouta qu'une crue extraordinaire avoit fait tomber la croix dans la riviere, il y avoit 6 à 7 ans. Page xciii."

[1] In the edition of 1853 is a footnote, as below :

"On whose authority, it has been said? Bouguer, the best witness respecting the Andes, speaking of Peru, says : 'On n'y distingue aucun vestige des grandes inondations qui ont laissé tant de marques dans toutes les autres regions. J'ai fait tout mon possible pour y decouvrir quelque coquille, mais toujours inutilement apparamment que les montagne du Perou sont trop hautes.' Bouguer, xv. See 4 Clavigera, Div. 3, § 1. See 2 Epoques, 268. 1 Epoques, 415."

To the many considerations opposing this opinion, the following may be added. The atmosphere, and all its contents, whether of water, air, or other matters, gravitate to the earth ; that is to say, they have weight. Experience tells us, that the weight of all these together never exceeds that of a column of mercury of 31 inches height, which is equal to one of rain water of 35 feet high. If the whole contents of the atmosphere, then, were water, [51] instead of what they are, it would cover the globe but 35 feet deep ; but as these waters, as they fell, would run into the seas, the superficial measure of which is to that of the dry parts of the globe, as two to one, the seas would be raised only 52½ feet above their present level, and of course would overflow the lands to that height only.[1] In Virginia this would be a very small proportion even of the champaign country, the banks of our tidewaters being frequently, if not generally, of a greater height. Deluges beyond this extent, then, as for instance to the North mountain or to Kentuckey, seem out of the laws of nature. But within it they may have taken place to a greater or less degree, in proportion to the combination of natural causes which may be supposed to have produced them. History renders probably some instances of a partial deluge in the country lying round the Mediterranean sea. It has been often[2] supposed, and it is not unlikely, that that sea was [52] once a lake. While such, let us admit an extraordinary collection of the waters of the atmosphere from the other parts of the globe to have been discharged over that and the countries whose waters run into it.[3] That lake[4] may thus have been so raised as to overflow the low lands adjacent to it, as those of Egypt and Armenia, which, according to a tradition of the Egyptians and Hebrews, were overflowed about 2300 years before the Christian æra ; those of Attica, said to have been overflowed in the time of Ogyges, about 500 years later ; and those of Thessaly, in the time

[1] In the edition of 1853 is a footnote reference to "2 Epoques, 378."

[2] 2. Buffon Epoques, 96.—*T. J.*

[3] In the edition of 1787 is here added :

"Or without supposing it a lake, admit such an extraordinary collection of the waters of the atmosphere, and an influx from the Atlantic ocean, forced by long-continued Western winds."

[4] In the edition of 1853 this passage reads, "That lake or that sea."

of Deucalion, still 300 years posterior.[1] But such deluges as these will not account for the shells found in the higher lands.[2] Besides the usual process for generating shells by the elaboration of earth and water in animal vessels, may not nature have provided an equivalent operation, by passing the same materials through the pores of calcareous earths and stones? As we see calcareous drop-stones generating every day by the percolation of water through lime-stone, and new marble forming in the quarries from which the old has been taken out, which is said to be the case in the quarries [53] of Italy. Is it more difficult for nature to shoot the calcareous juice into the form of a shell, than other juices into the forms of Chrystals, plants, animals, according to the construction of the vessels through which they pass? There is a wonder somewhere. Is it greatest on this branch of a dilemma, or on that which supposes the creation of such a body of water, and its sub-

[1] In the edition of 1853 a footnote adds:

"Five deluges are enumerated by Xenophon, the author of the tract de Equivocis in these words: 'Inundationes plures fuere. Prima novimestris inundatio terrarum sub prisco Ogyge. Secunda niliaca menstrua, sub Ægyptiis Hercule et Prometheo. Bimestris autem, sub Ogyge Attico in Achaia. Trimetris Thessalica, sub Deucalione. Par Pharonica, sub Proteo Aegyptio in raptu Helenæ.'"

[2] The text from this point to the end of the paragraph Jefferson cancelled in 1786, printing two new leaves which he substituted by insertion in place of the pages 51–4 of the original, in some copies (*cf.* note, p. 81). This change was embodied in the edition of 1787. The new text was as follows:

"A second opinion has been entertained; which is that, in times anterior to the records either of history or tradition, the bed of the ocean, the principal residence of the shelled tribe, has, by some great convulsion of nature, been heaved to the heights at which we now find shells & other remains of marine animals. The favourers of this opinion do well to suppose the great events on which it rests to have taken place beyond all the æras of history; for within these certainly, none such are to be found; & we may venture to say further that no fact has taken place, either in our own days, or in the thousands of years recorded in history, which proves the existence of any natural agents, within or without the bowels of the earth, of force sufficient to heave, to the height of 15,000 feet, such masses as the Andes. The difference between the power necessary to produce such an effect, & that which shuffled together the different parts of Calabria in our days, is so immense, that, from the existence of the latter we are not authorized to infer that of the former.

"M. de Voltaire, has suggested a third solution of this difficulty. (Quest.

sequent annihilation? Have not Naturalists already brought themselves to believe much stranger things? Thus, they seriously concur in the opinion that those immense hills and plains of marble to be found in every quarter of the globe, nay the very foundation of the earth itself, which is of limestone in large tracts of this country, and probably of others, and has been found here to continue solid to the depth of 200 feet, farther than which we have not penetrated, that these, I say, and all other calcareous bodies, are animal remains. Monsieur de Voltaire, who seems first to have suspected that shells might grow unconnected with animal bodies, specifies an instance in a particular place in France, which has never yet, as far as I have heard, been disproved or denied. [54]

There is great abundance (more especially when you approach the mountains) of stone, white, blue, brown, &c., fit for the chisel,

encycl. Coquilles) he cites an instance in Touraine, where, in the space of 80 years, a particular spot of earth had been twice metamorphosed in to soft stone, which had become hard when employed in building: in this stone, shells of various kinds were produced, discoverable at first only with the microscope, but afterwards growing with the stone. From this fact, I suppose, he would have us infer that besides the usual process for generating shells by the elaboration of earth and water in animal vessels, nature may have provided an equivalent operation, by passing the same materials through the pores of calcareous earths and stones: as we see calcareous drop stones generating every day by percolation of water through limestone, and new marble forming in the quarries from which the old has been taken out; and it might be asked whether it is more difficult for nature to shoot the calcareous juice into the form of a shell, than other juices into the forms of chrystals, plants, animals, according to the construction of the vessels through which they pass? There is a wonder somewhere. Is it greatest on this branch of the dilemma; on that which supposes the existence of a power of which we have no evidence in any other case; or on the first which requires us to believe the creation of a body of water, and it's subsequent annihilation? The establishment of the instance, cited by M. de Voltaire, of the growth of shells unattached to animal bodies, would have been that of his theory. But he has not established it. He has not even left it on ground so respectable as to have rendered it an object of enquiry to the literati of his own country. Abandoning this fact therefore, the three hypotheses are equally unsatisfactory; & we must be contented to acknowledge that this great phenomenon is as yet unsolved. Ignorance is preferable to error: & he is less remote from the truth who believes nothing, than he who believes what is wrong."

good milstone, such also as stands the fire, and slatestone. We are told of flints, fit for gunflints, on the Meherrin in Brunswic, on the Missisipi between the mouth of the Ohio and Kaskaskia, and on others of the western waters. Isinglass or mica is in several places ; loadstone also ; and an Asbestos of a ligneous texture, is sometimes to be met with.

Marle abounds generally : A clay, of which, like the Sturbridge in England, bricks are made, which will resist long the violent action of fire, has been found on Tuckahoe creek of James river, and no doubt will be found in other places. Chalk is said to be in Botetourt and Bedford. In the latter county is some earth believed to be Gypseous. Ochres are found in various parts.

In the limestone country are many caves, the earthy floors of which are impregnated with nitre. On Rich creek, a branch of the Great Kanhaway about 60 miles below the lead mines, is a very large one, about 20 yards wide, and entering a hill a quarter or half a mile. The vault is of rock, from 9 to [55] 15 or 20 feet above the floor. A Mr. Lynch, who gives me this account, undertook to extract the nitre. Besides a coat of the salt which had formed on the vault and floor, he found the earth highly impregnated to the depth of seven feet in some places, and generally of three, every bushel yielding on an average three pounds of nitre. Mr. Lynch having made about 1000 pounds of the salt from it, consigned it to some others, who have since made 10,000 lb. They have done this by pursuing the cave into the hill, never trying a second time the earth they have once exhausted, to see how far or soon it receives another impregnation. At least fifty of these caves are worked on the Greenbriar. There are many of them known on Cumberland river.

The country westward of the Alleghaney abounds with springs of common salt. The most remarkable we have heard of are at Bullet's lick, the Big bones, the Blue licks, and on the North fork of Holston. The area of Bullet's lick is of many acres. Digging the earth to the depth of three feet the water begins to boil up, and the deeper you go, and the drier the weather, the stronger is the brine. A thousand gallons of water [56] yield

from a bushel to a bushel and a half of salt, which is about 80 lb. of water to one lb. of salt ; but of sea water 25 lb. yield one lb. of salt. So that sea water is more than three times as strong as that of these springs. A salt spring has been lately discovered at the Turkey foot on Yohogany, by which river it is overflowed, except at very low water. Its merit is not yet known. Dunning's lick is also as yet untried, but it is supposed to be the best on this side the Ohio. The salt springs on the margin of the Onondago lake are said to give a saline taste to the waters of the lake.

There are several Medicinal springs, some of which are indubitably efficacious, while others seem to owe their reputation as much to fancy and change of air and regimen, as to their real virtues. None of them having undergone a chemical analysis in skilful hands, nor been so far the subject of observations as to have produced a reduction into classes of the disorders which they relieve ; it is in my power to give little more than an enumeration of them.

The most efficacious of these are two springs in Augusta, near the first sources of James [57] river, where it is called Jackson's river. They rise near the foot of the ridge of mountains, generally called the Warmspring mountain, but in the maps Jacksons mountains. The one distinguished by the name of the Warmspring, and the other of the Hot-spring. The Warmspring issues with a very bold stream, sufficient to work a grist-mill and to keep the waters of its basin, which is 30 feet in diameter at the vital warmth, viz. 96°. of Farenheit's thermometer. The matter with which these waters are allied is very volatile : its smell indicates it to be sulphureous, as also does the circumstance of its turning silver black. They relieve rheumatisms. Other complaints also of very different natures have been removed or lessened by them. It rains here four or five days in every week.

The *Hot-spring* is about six miles from the Warm, is much smaller, and has been so hot as to have boiled an egg. Some believe its degree of heat to be lessened. It raises the mercury in Farenheit's thermometer to 112 degrees, which is fever heat. It sometimes relieves where the Warmspring fails. A fountain

of common water, issuing within a few inches of its margin, gives it a singular ap -[58] pearance. Comparing the temperature of these with that of the Hot-springs of Kamschatka, of which Krachininnikow gives an account, the difference is very great, the latter raising the mercury to 200°. which is within 12°. of boiling water. These springs are very much resorted to in spite of a total want of accommodation for the sick. Their waters are strongest in the hottest months, which occasions their being visited in July and August principally.

The Sweet springs are in the county of Botetourt, at the eastern foot of the Alleghaney, about 42 miles from the Warm-springs. They are still less known. Having been found to relieve cases in which the others had been ineffectually tried, it is probable their composition is different. They are different also in their temperature, being as cold as common water : which is not mentioned, however, as a proof of a distinct impregnation. This is among the first sources of James river.

On Patowmac river, in Berkeley county, above the North mountain, are Medicinal springs, much more frequented than those of Augusta. Their powers, however, are less, the waters weakly mineralized, and scarcely [59] warm. They are more visited, because situated in a fertile, plentiful, and populous country, better provided with accommodations, always safe from the Indians, and nearest to the more populous States.

In Louisa county, on the head waters of the South Anna branch of York river, are springs of some medicinal virtue. They are not much used however. There is a weak Chalybeate at Richmond ; and many others in various parts of the country, which are of too little worth, or too little note, to be enumerated after those before-mentioned.

We are told of a Sulphur-spring on Howard's creek of Greenbriar, and another at Boonsborough on Kentuckey.

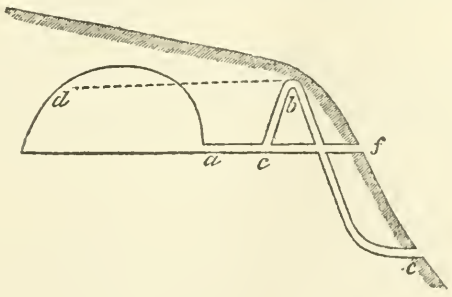
In the low grounds of the Great Kanhaway, 7 miles above the mouth of Elk River, and 67 above that of the Kanhaway itself, is a hole in the earth of the capacity of 30 or 40 gallons, from which issues constantly a bituminous vapour[1] in so strong a current as

[1] Altered in edition of 1853 to: "a gaseous stream so strong as to give to the sand," etc.

to give to the sand about its orifice the motion which it has in a boiling spring. On presenting a lighted candle or torch within 18 inches of the hole it flames up in a column of 18 inches in diameter, and four or five feet [60] height, which sometimes burns out in 20 minutes, and at other times has been known to continue three days, and then has been still left burning.[1] The flame is unsteady, of the density of that of burning spirits, and smells like burning pit coal. Water sometimes collects in the basin, which is remarkably cold, and is kept in ebullition by the vapor issuing through it. If the vapor be fired in that state, the water soon becomes so warm that the hand cannot bear it, and evaporates wholly in a short time.[2] This, with the circumjacent lands, is the property of his Excellency General Washington and of General Lewis.

There is a similar one on Sandy river, the flame of which is a column of about 12 inches diameter, and 3 feet high. General Clarke, who informs me of it, kindled the vapour, staid about an hour, and left it burning.

The mention of uncommon springs leads me to that of Syphon fountains. There is one of these near the intersection of Lord



Fairfax's boundary with the North mountain, not far from Brock's gap, on the stream of which is a grist-mill, which grinds two bushels

[1] In edition of 1853 is a footnote reference to "2 Epoques, 138, 139."

[2] In the edition of 1853 is here inserted: "This gaseous fluid is probably inflamable air, the hydrogene of the new chemistry, which we know will kindle on mixing with the oxygenous portion of the atmospheric air, and the application of flame. It may be produced by the decomposition of water or of pyrites, within the body of the hill."

[61] of grain at every flood of the spring ; another, near the Cow-pasture river, a mile and a half below its confluence with the Bull-pasture river, and 16 or 17 miles from Hot-springs, which intermits once in every twelve hours ; one also near the mouth of the North Holston.[1]

After these may be mentioned the *Natural Well* on the lands of a Mr. Lewis in Frederick county. It is somewhat larger than a common well ; the water rises in it as near the surface of the earth as in the neighboring artificial wells, and is of a depth as yet unknown. It is said there is a current in it tending sensibly downwards. If this be true, it probably feeds some fountain, of which it is the natural reservoir, distinguished from others, like that of Madison's cave, by being accessible. It is used with a bucket and windlass, as an ordinary well.

A complete catalogue of the trees, plants, fruits, &c. is probably not desired. I will sketch out those which would principally attract notice, as being 1. Medicinal, 2. Esculent, 3. Ornamental, or 4. Useful for fabrication ; adding the Linnæan to the popular [62] names, as the latter might not convey precise information to a foreigner. I shall confine myself too to native plants.

[1] In the edition of 1853, a paragraph is here inserted, as follows :

"We are told that during a great storm on the 25th of December, 1798, the Syphon Fountain, near the mouth of the North Holston, ceased and a spring broke out about 100 feet higher up the hill." * Syphon fountains have been explained by supposing the duct which leads from the reservoir to the surface of the earth to be in the form of a syphon, *a*, *b*, *c*, where it is evident that till the water rises in the reservoir to *d*, the level of the highest point of the syphon, it cannot flow through the duct, and it is known that when it once begins to flow it will draw off the water of the reservior to the orifice *a*, of the syphon. If the duct be larger than the supply of the reservoir, possibly the force of the waters and loosening of the earth by them, during the storm above mentioned, may have opened a more direct duct as from *c* to *f*, horizontally or declining, which issues higher up the hill than the one fed by the syphon. In that case it becomes a common spring. Should this duct be again closed or diminished by any new accident, and both springs be kept in action from the same reservoir."

* A note to this new paragraph, as above starred, is :

"See Pleasant's Argus, August 16, '99 ; that this disappeared December 25, '98 on which day a spring broke out 100 feet higher up the hill."

1. Senna. Cassia ligustrina.
Arsmart. Polygonum Sagittatum.
Clivers, or goose-grass. Galium spurium.
Lobelia of several species.
Palma Christi. Ricinus.
Jamestown weed. Datura Stramonium. [1]
Mallow. Malva rotundafolia.
Syrian mallow. Hibiscus moschentos.
Hibiscus Virginicus.
Indian mallow. Sida rhombifolia.
Sida abutilon.
Virginia marshmallow. Napæ hermaphrodita.
Napæ dioica.
Indian physic. Spiria trifoliata.
Euphorbia Ipecacuanhæ.
Pleurisy root. Asclepias decumbens.
Virginia snake-root. Aristolochia serpentaria.
Black snake-root. Actæ racemosa.
Seneca rattlesnake-root. Polygala Senega.
Valerian. Valeriana locusta radiata.
Gentiana, Saponaria, villosa & centaurium.
Ginseng. Panax quinquefolium.
Angelica. Angelica sylvestris. [63]
Cassava. Jatropha urens.
2. Tuckahoe. Lycoperdon tuber.
Jerusalem artichoke. Helianthus tuberosus.
Long potatoes. Convolvulas batatas.
Granadillas. Maycocks, Maracocks, Passiflora incarnata.
Panic. Panicum of many species.
Indian millet. Holcus laxus.
Holcus striosus.
Wild oat. Zizania aquatica.
Wild pea. Dolichos of Clayton.
Lupine. Lupinus perennis.
Wild hop. Humulus lupulus.
Wild cherry. Prunus virginiana.

[1] "There is a plant, or weed, called the Jamestown weed (Datura pericarpiis erectis ovatis. Linn.) of a very similar quality. The late Dr. Bond informed me, that he had under his care a patient, a young girl, who had put the seeds of this plant into her eye, which dilated the pupil to such a degree, that she could see in the dark, but in the light was almost blind. The effect that the leaves had when eaten by a ship's crew that arrived at Jamestown, are well known. (An instance of temporary imbecility produced by them is mentioned. Beverl. H. of Virg. b 2, r 4.)"—*Charles Thomson in appendix.*

Cherokee plumb. Prunus sylvestris fructu majori. Clayton.
Wild plum. Prunus sylvestris fructu minori. Clayton.
Wild crab apple. Pyrus coronaria.
Red mulberry. Morus rubra.
Persimmon. Diospyros virginiana.
Sugar maple. Acer saccharinum.
Scaly bark hiccory. Juglans alba cortice squamoso. Clayton.
Common hiccory. Juglans alba, fructu minore rancido. Clayton. [64]
Paccan, or Illinois nut. Not described by Linnæus, Miller or Clayton. Were I to venture to describe this, speaking of the fruit from memory, and of the leaf from plants of two years growth, I should specify it as Juglans alba, foliolis lanceolatis, acuminatis, serratis, tomentosis, fructu minore, ovato, compresso, vix insculpto, dulci, putamine tenerrimo. It grows on the Illinois, Wabash, Ohio, and Missisipi. It is spoken of by Don Ulloa under the name of Pecanos, in his Noticias Americanas. Entret. 6.
Black walnut. Juglans nigra.
White walnut. Juglans alba.
Chesnut. Fagus castanea.
Chinquapin. Fagus pumila.
Hazlenut. Corylus avellana.
Grapes. Vitis. Various kinds, though only three described by Clayton.
Scarlet strawberries. Fragaria virginiana of Millar.
Whortleberries. Vaccinium uliginosum. ?
Wild gooseberries. Ribes grossularia.
Cranberries. Vaccinium oxycoccos.
Black raspberries. Rubus occidentalis.
Blackberries. Rubus fruticosus.
Dewberries. Rubus cæsius. [65]
Cloudberries. Rubus Chamæmorus.

3. Plane tree. Plantanus occidentalis.
Poplar. Liriodendron tulipifera.
Populus heterophylla.
Black poplar. Populus nigra.
Aspen. Populus tremula.
Linden, or lime. Tilia Americana.
Red flowering maple. Acer rubrum.
Horse-chesnut, or Buck's-eye. Æsculus pavia.
Catalpa. Bignonia catalpa.
Umbrella. Magnolia tripetala.
Swamp laurel. Magnolia glauca.
Cucumber-tree. Magnolia acuminata,
Portugal bay. Laurus indica.
Red bay. Laurus borbonia.
Dwarf-rose bay. Rhododendron maximum.

Laurel of the western country. Qu. species?
Wild pimento. Laurus benzoin.
Sassafras. Laurus sassafras.
Locust. Robinia pseudo-acacia.
Honey-locust. Gleditsia. 1. β.
Dogwood. Cornus florida.
Fringe, or snow drop-tree. Chionanthus virginica.
Barberry. Barberis vulgaris.
Redbud, or Judas-tree. Cercis canadensis. [66]
Holly. Ilex aquifolium.
Cockspur hawthorn. Cratægus coccinea.
Spindle-tree. Euonymus Europæus.
Evergreen spindle-tree. Euonymus Americanus.
Itea Virginica.
Elder. Sambucus nigra.
Papaw. Annona triloba.
Candleberry myrtle. Myrica cerifera.
Dwarf laurel. Kalmia angustifolia } called ivy with us.
Kalmia latifolia }
Ivy. Hedera quinquefolia.
Trumpet Honeysuckle. Lonicera sempervirens.
Upright honeysuckle. Azalea nudiflora.[1]
Yellow jasmine. Bignonia sempervirens.
Calycanthus floridus.
American aloe. Agave virginica.
Sumach. Rhus. Qu. species?
Poke. Phytolacca decandra.
Long Moss. Tillandsia Usneoides.
4. Reed. Arundo phragmitis.
Virginia hemp. Acnida cannabina.
Flax. Linum virginianum.
Black, or pitch-pine. Pinus tæda. [67]
White pine. Pinus strobus.
Yellow pine. Pinus virginica.
Spruce pine. Pinus foliis singularibus. Clayton.
Hemlock spruce fir. Pinus canadensis.
Arbor vitæ. Thuya occidentalis.
Juniper. Juniperus virginica (Called cedar with us.)
Cypress. Cupressus disticha.[2]
Black Oak. Quercus nigra.
White oak. Quercus alba.
Red oak. Quercus rubra.

[1] In the edition of 1853 is added: "Azalea viscosa."
[2] In the edition of 1787 is here inserted: "White cedar. Cupressus Thyoides."

Willow oak. Quercus phellos.
Chesnut oak. Quercus prinus.
Black jack oak. Quercus aquatica. Clayton. Query?
Ground oak. Quercus pumila. Clayton.
Live oak. Quercus virginiana. Millar.
Black birch. Betula nigra.
White birch. Betula alba.
Beach. Fagus sylvatica.
Ash. Fraxinus americana.
Fraxinus novæ angliæ. Millar.
Elm. Ulmus americana.
Willow. Salix. Query species?
Sweet gum. Liquidambar styraciflua. [68]

The following were found in Virginia when first visited by the English; but it is not said whether of spontaneous growth or by cultivation only. Most probably they were natives of more southern climates, and handed along the continent from one nation to another of the savages.

Tobacco. Nicotiana.
Maize. Zea mays.[1]

[1] In the edition of 1853 this note is added: "Qu. If known in Europe before the discovery of America? Ramusio supposes this to be the grain described by Diod. Dic. L. 2, in his account of the travels of Iambulus, in the following passage: '*Φύεσθαι γὰρ παρ' αὐτοῖς κάλαμον πολύν, φέροντα καρπὸν διαψιλῆ, παρεμφερῆ τοῖς λευκοῖς ὀρόβοις* [Ceci bianchi.—Ital. Ers. Franc.] *τοῦτον οὖν συναγαγόντες βρέχουσιν ἐν ὕδατι θερμῷ, μέχρις ἂν τὸ μέγεθος ἔχωσιν ὡς ὠοῦ περιστερᾶς. ἔπειτα συνθλάσαντες καὶ τρίψαντες ἐμπείρως ταῖς χερσί, διαπλάττουσιν ἄρτους. οὓς ὀπτήσαντες σιτοῦνται, διαφόρους ὄντας τῇ γλυκύτι.*' Ramusio says of the maize 'in Italia, ai tempi nostri, [1550] é stato, veduto "la prima volta," and the island in which it was found by Iambulus was Sumatra.—1. Ramus. 174. The Maison rustique says that Turkey Corn came first from the West Indies into Turkey, and from thence into France.'—L. 5, c. 17. Zimmerman says: 'Il tire son origine des pays chauds de l'Amerique.' Zoologie geographique, page 24. 'Il frumentone fu dalla America in Ispagne, e quindi in altri pæsi della Europa.' 'Dalli Spagnuoli di Europa e di America è chiamato il frumentone col nome Mais, preso dalla lingua Haitina che si parlava nella isola oggidi appellata Spagnuola, o sia di S. Domenico.'—Clavigero i., 56. 'Il frumentone. biada dalla providenza accordata a quella parte del mondo in vece del frumento dell Europa, del riso del Asia, e del miglio d'Africa.'—a. Clavig., 218. Acosta classes Indian Corn with the plants peculiar to America, observ-

Round potatoes.[1] Solanum tuberosum.
Pumpkins. Cucurbita pepo.
Cymlings. Cucurbita verrucosa.
Squashes. Cucurbita melopepo.

There is an infinitude of other plants and flowers, for an enumeration and scientific description of which I must refer to the Flora Virginica of our great botanist Dr. Clayton, published by Gronovius at Leyden, in 1762. This accurate observer was a native and resident of this state, passed a long life in exploring and describing its plants, and is supposed to have enlarged the botanical catalogue as much as almost any man who has lived.

Besides these plants, which are native, our *Farms* produce wheat, rye, barley, oats, buck wheat, broomcorn, and Indian corn.[2] [69] The climate suits rice well enough, wherever the lands do. Tobacco, hemp, flax and cotton, are staple commodities. Indico yields two cuttings. The silk-worm is a native, and the mulberry, proper for its food, grows kindly.

We cultivate also potatoes, both the long and the round, turneps, carrots, parsneps, pumpkins, and ground nuts (Arachis). Our grasses are Lucerne, St. Foin, Burnet, Timothy, ray, and orchard grass ; red, white and yellow clover ; greenswerd, blue grass, and crab grass.

The *gardens* yield muskmelons, watermelons, tomatas, okra, pomegranates, figs, and the esculant plants of Europe.

ing that it is called 'trigo de las Indias' in Spain, and 'Grano de Turquia' in Italy. He says, 'De donde fue el Mayz a Indias, y porque este grano tan provechoso le llaman en Italia Grano de Turquia mejor sabre preguntárlo, que dezirlo. Porque en efecto en los antiquos no hallo rastro deste genero, aunque el Milio que Plinio escrive aver venido a Italia de la India diez años avia, quando escrivio, tiene alguna similitud con el Mayz, en lo que dize que es grano, y que nace en caña, y se cubrede hoja, y que tiene al remate comuncabellos, y el ser fertilissimo, todo lo qual no quadra con el Mijo, que comunmente entienden por Milio, en fin, repartio el Criador a todas partes su gobierne ; a este orbe dio el triga que es el principal sustento de los hombres ; a aquel de Indias dio el Mayz, que tras el trigo tiene el sequndo lugar, para sustenta de hombres, y animales.'—Acosta 4, 16."

[1] In the edition of 1853 this note is added : "Les Pommes de terre sont indigenes en Guiane."—Zimmerman, *Zool. Geogr.*, 26. "La Papa fu portata in Messico dall' America Meridionale, suo proprio pæse."—1. Clavigero, 58.

[2] "Indian corn" is omitted in edition of 1853.

The *orchards* produce apples, pears, cherries, quinces, peaches, nectarines, apricots, almonds, and plumbs.

Our quadrupeds have been mostly described by Linnæus and Mons. de Buffon. Of these the Mammoth, or big buffalo, as called by the Indians, must certainly have been the largest. Their tradition is that he was carnivorous, and still exists in the northern parts of America. A delegation of warriors from the Delaware tribe having visited the governor of [70] Virginia, during the present revolution, on matters of business, after these had been discussed and settled in council, the governor asked them some questions relative to their country, and among others, what they knew or had heard of the animal whose bones were found at the Saltlicks, on the Ohio. Their chief speaker immediately put himself into an attitude of oratory, and with a pomp suited to what he conceived the elevation of his subject, informed him that it was a tradition handed down from their fathers, "That in ancient times a herd of these tremendous animals came to the Big-bone licks, and began an universal destruction of the bear, deer, elks, buffaloes, and other animals which had been created for the use of the Indians; that the Great Man above, looking down and seeing this, was so enraged that he seized his lightning, descended on the earth, seated himself on a neighboring mountain, on a rock of which his seat and the print of his feet are still to be seen, and hurled his bolts among them till the whole were slaughtered, except the big bull, who presenting his forehead to the shafts shook them off as they fell; but mis- [71]- sing one at length, it wounded him in the side; whereon, springing round, he bounded over the Ohio, over the Wabache, the Illinois, and finally over the great lakes, where he is living at this day." It is well known, that on the Ohio, and in many parts of America further north, tusks, grinders, and skeletons of unparalleled magnitude, are found in great numbers, some lying on the surface of the earth, and some a little below it. A Mr. Stanley, taken prisoner[1] near the mouth of the Tanissee, relates that, after being transferred through several tribes, from one to another, he was at length carried over the mountains west of the Missouri to a river which runs westwardly; that these bones

[1] In the edition of 1853 "by the Indians" is inserted at this point.

abounded there, and that the natives described to him the animal to which they belonged as still existing in the northern parts of their country; from which description he judged it to be an elephant. Bones of the same kind have been lately found, some feet below the surface of the earth, in salines opened on the North Holston, a branch of the Tanissee, about the latitude of $36\frac{1}{2}°$. north. From the accounts published in Europe, I suppose it to be decided that these are of the same [72] kind with those found in Siberia.[1] Instances are mentioned of like animal remains found in the more southern climates of both hemispheres[2]; but they are either so loosely mentioned as to leave a doubt of the fact, so inaccurately described as not to authorize the classing them with the great northern bones, or so rare as to found a suspicion that they have been carried thither as curiosities from the northern regions. So that, on the whole, there seem to be no certain vestiges of the existence of this animal farther South than the salines just mentioned.[3] It is remarkable that the tusks and skeletons have been ascribed by the naturalists of Europe to the elephant, while the grinders have been given to the hippopotamus, or river horse.[4] Yet it is acknowledged that the tusks and skeletons are much larger than those of the elephant, and the grinders many times greater than those of the hippopotamus, and essentially different in form Wherever these grinders are found, there also we find the tusks and skeletons; but no skeleton of the hippopotamus nor grinders of the elephant. It will not be said that the hippopotamus and elephant came always to the same

[1] In the edition of 1853 is a footnote: "Clavigero says: 'Non ni sovviene che appo qualche nazione Americana visia memoria o degli elefanti, o degli ippopotami, o d'altri quadrupedi di si fatta grandezza. Non so che fin ora, fra scavamenti fatta nella Nuova Spagna, siasi mai scoperto, un carcamo d'Ippopotamo, e quel ch' è piu, ne anche un dente d'elefante.'—125."

[2] In the edition of 1853 is a footnote: "2 Epoques, 276, in Mexico; but 1, Epoques, 250, denies the fact as to S. America."

[3] In the edition of 1853 is a footnote reference to: "22 Buffon; 2. Epoques, 230."

[4] In the edition of 1853 is a footnote: "2. Epoques, 232. Buffon pronounces it is not the grinder either of the elephant or hippopotamus, 'mais d'une espece la premier et la grande de tous les animaux terrestres, qui est perdue.'"

spot, the former to deposit [73] his grinders, and the latter his tusks and skeleton. For what became of the parts not deposited there? We must agree then, that these remains belong to each other, that they are of one and the same animal, that this was not a hippopotamus, because the hippopotamus had no tusk nor such a frame, and because the grinders differ in their size as well as in the number and form of their points. That this was not an elephant, I think ascertained by proofs equally decisive. I will not avail myself of the authority of the celebrated [1] anatomist who, from an examination of the form and structure of the tusks, has declared they were essentially different from those of the elephant; because another [2] anatomist, equally celebrated, has declared, on a like examination, that they are precisely the same. Between two such authorities I will suppose this circumstance equivocal. But, 1. The skeleton of the Mammoth (for so the incognitum has been called) bespeaks an animal of five or six times [3] the cubic volume of the elephant, as Mons. de Buffon has ad- [74] mitted.[4] 2. The grinders are five times as large, are square, and the grinding surface studded with four or five rows of blunt points: whereas those of the elephant are broad and thin, and their grinding surface flat.[5] 3. I have never heard an instance, and suppose there has been none, of the grinder of an elephant being found in America. 4. From the known temperature and constitution of the elephant, he could never have existed in those regions where the remains of the mammoth have been found. The elephant is a native only of the torrid zone and its vicinities. If, with the assistance of warm apartments and warm cloathing, he has been preserved [6] in the temperate climates of Europe, it has only been for a small portion of what would have been his natural period, and no in-

[1] Hunter.—*T. J.*

[2] D'Aubenton.—*T. J.*

[3] Altered to "an animal six times the cubic volume" in edition of 1853.

[4] In the edition of 1853 is a footnote reference to: "Xviii. 178; xxii. 121."

[5] In the edition of 1853 is a footnote: "Qu? See 2. Epoques de Buffon, 231, 234."

[6] In the edition of 1853 the words "in life" are here inserted.

stance of his multiplication in them has ever been known. But no bones of the mammoth, as I have before observed, have been ever found further south than the salines of Holston, and they have been found as far north as the Arctic circle. Those, therefore, who are of opinion that the elephant and mammoth are the same, must believe, 1. That the elephant known to us can exist and multiply in the [75] frozen zone; or, 2. That an internal fire may once have warmed those regions, and since abandoned them, of which however the globe exhibits no unequivocal indications; or, 3. That the obliquity of the ecliptic, when these elephants lived, was so great as to include within the tropics all those regions in which the bones are found; the tropics being, as is before observed, the natural limits of habitation for the elephant.[1] But if it be admitted that this obliquity has really decreased, and we adopt the highest rate of decrease yet pretended, that is, of one minute in a century, to transfer the northern tropic to the Arctic circle, would carry the existence of these supposed elephants two hundred and fifty thousand years back; a period far beyond our conception of the duration of animal bones left exposed to the open air than these are in many instances. Besides, though these regions would then be supposed within the tropics, yet their winters would have been too severe for the sensibility of the elephant. They would have had too but one day and one night in the year, a circumstance to which we have no reason to suppose the nature of the elephant fitted. However, it has been demon- [76] strated that, if a variation of obliquity in the Ecliptic takes place at all, it is vibratory, and never exceeds

[1] In the edition of 1853 the following passage is here interpolated:

"M. de Buffon considers the existence of elephant bones in Northern regions, where the animal itself is no longer found, as one of the leading facts which support his theory, that the earth was once in a liquid state, rendered so by the action of fire, that the process of cooling began at its poles, and proceeded gradually towards the torrid zone, that with this progress the animals of warm temperature retired towards the equator, and that in the present state of that progress the globe remains of sufficient warmth, for the elephant for instance, in the tropical regions, only to which therefore they have retired, as their last asylum, and where they must become extinct when the degree of warmth shall be reduced below that adapted to their constitution. How does it happen then that no elephants exist at present in the tropical regions of America, to which those of the Ohio must have retired, according to this theory?"

the limits of 9 degrees, which is not sufficient to bring these bones within the tropics. One of these hypotheses, or some other equally voluntary and inadmissible to cautious philosophy, must be adopted to support the opinion that these are the bones of the elephant. For my own part, I find it easier to believe that an animal may have existed, resembling the elephant in his tusks, and general anatomy, while his nature was in other respects extremely different. From the 30th degree of South latitude to the 30th of North, are nearly the limits which nature has fixed for the existence and multiplication of the elephant known to us. Proceeding thence northwardly to 36½ degrees, we enter those assigned to the Mammoth. The further we advance North, the more their vestiges multiply as far as the earth has been explored in that direction ; and it is as probable as otherwise, that this progression continues to the pole itself, if land extends so far. The center of the Frozen zone then may be the Achmé of their vigour, as that of the torrid is of the elephant. Thus na-[77] ture seems to have drawn a belt of separation between these two tremendous animals, whose breadth, indeed, is not precisely known, though at present we may suppose it about 6½ degrees of latitude ; to have assigned to the elephant the regions South of these confines, and those North to the Mammoth, founding the constitution of the one in her extreme of heat, and that of the other in the extreme of cold. When the Creator has therefore separated their nature as far as the extent of the scale of animal life allowed to this planet would permit, it seems perverse to declare it the same, from a partial resemblance of their tusks and bones. But to whatever animal we ascribe these remains, it is certain such a one has existed in America, and that it has been the largest of all terrestrial beings.[1] It should have sufficed to have rescued the earth it inhabited, and the atmosphere it breathed, from the imputation of impotence in the conception and nourishment of animal life on a large scale : to have stifled, in its birth, the opinion

[1] In spite of the soundness of these arguments, Buffon did not yield to them. Jefferson wrote to Hogendorp, Oct. 13, 1785 : " I have never yet seen Monsr. de Buffon. He has been in the country all the summer. I sent him a copy of the book, have only heard his sentiments on one particular of it, that of the identity of the Mammoth & Elephant. As to this he retains his opinion that they are the same."

of a writer, the most learned, too, of all others in the science of animal history, that in the new world, [78] "La nature vivante est beaucoup moins agissante, beaucoup moins forte:"[1] that nature is less active, less energetic on one side of the globe than she is on the other. As if both sides were not warmed by the same genial sun; as if a soil of the same chemical composition was less capable of elaboration into animal nutriment; as if the fruits and grains from that soil and sun yielded a less rich chyle, gave less extension to the solids and fluids of the body, or produced sooner in the cartilages, membranes and fibres, that rigidity which restrains all further extension, and terminates animal growth. The truth is, that a Pigmy and a Patagonian, a Mouse and a Mammoth, derive their dimensions from the same nutritive juices. The difference of increment depends on circumstances unsearchable to beings with our capacities. Every race of animals seems to have received from their maker certain laws of extension at the time of their formation. Their elaborative organs were formed to produce this, while proper obstacles were opposed to its further progress. Below these limits they cannot fall, nor rise above them. What intermediate station they shall take may de-[79] pend on soil, on climate, on food, on a careful choice of breeders. But all the manna of heaven would never raise the Mouse to the bulk of the Mammoth.

The opinion advanced by the Count de Buffon,[2] is 1. That the animals common both to the old and new world are smaller in the latter. 2. That those peculiar to the new are on a smaller scale. 3. That those which have been domesticated in both have degenerated in America: and 4. That on the whole it exhibits fewer species. And the reason he thinks is, that the heats of America are less; that more waters are spread over its surface by

[1] Buffon, xviii. 112. edn. Paris, 1764.—*T. J.*

[2] xviii. 100, 156.—*T. J.* [*In the edition of 1853 this note is elaborated to:*] "Xviii. 100, 156. 'La terre est demeurée froide, impuissante a produire les principes actifs, a developer les germes des plus grands quadrupedes, auxquels il faut, pour croitre et se multiplier, toute la chaleur, toute l'activité que le soleil peut donner a la terre, amoureuse.'—Xviii. 156. 'L'ardeur des hommes et la grandeur des animaux dependent de la salubrité de la chaleur de l'air.'—Ib. 160."

nature, and fewer of these drained off by the hand of man. In other words, that *heat* is friendly, and *moisture* adverse to the production and development of large quadrupeds. I will not meet this hypothesis on its first doubtful ground, whether the climate of America be comparatively more humid? Because we are not furnished with observations sufficient to decide this question. And though, till it be decided, we are as free to deny as others are to affirm the fact, yet for a moment let it be supposed. The hypothesis, after this supposition, proceeds to [79] another; that *moisture* is unfriendly to animal growth. The truth of this is inscrutable to us by reasonings à priori. Nature has hidden from us her modus agendi. Our only appeal on such questions is to experience; and I think that experience is against the supposition. It is by the assistance of *heat* and *moisture* that vegetables are elaborated from the elements of earth, air, water, and fire. We accordingly see the more humid climates produce the greater quantity of vegetables. Vegetables are mediately or immediately the food of every animal; and in proportion to the quantity of food, we see animals not only multiplied in their numbers, but improved in their bulk, as far as the laws of their nature will admit. Of this opinion is the Count de Buffon himself in another part of his work: [1] "en general il paroit que les pays un peu *froids* conviennent mieux á nos boeufs que les pays chauds, et qu'ils sont d'autant plus gros et plus grands que le climat est plus *humide* et plus abondans en paturages. Les boeufs de Danemarck, de la Podolie, de l'Ukraine et de la Tartarie qu'habitent les Calmouques sont les plus grands de tous."[2] Here then a race of animals, and one [81] of the largest too, has been increased in its dimensions by *cold* and *moisture*, in direct opposition to the hypothesis, which supposes that these two circumstances diminish animal bulk, and that it is their contraries *heat* and *dryness* which enlarge it. But when we appeal to experience, we are not to rest satisfied with a single fact. Let us, therefore, try our question

[1] viii. 134.—*T. J.*

[2] In the edition of 1853 is a footnote:

"'Tout ce qu'il y a de colossal et de grand dans la nature, a eté formé dans les terres du Nord.' 1. Epoques 255. 'C'est dans les regions de notre Nord que la nature vivante s'est elevée a ses plus grandes dimensions.'—Ib. 263."

on more general ground.[1] Let us take two portions of the earth, Europe and America for instance, sufficiently extensive to give operation to general causes ; let us consider the circumstances peculiar to each, and observe their effect on animal nature. America, running through the torrid as well as temperate zone, has more *heat* collectively taken, than Europe. But Europe, according to our hypothesis, is the *dryest*. They are equally adapted then to animal productions ; each being endowed with one of those causes which befriend animal growth, and with one which opposes it. If it be thought unequal to compare Europe with America, which is so much larger, I answer, not more so than to compare America with the whole world. Besides, the purpose of

[1] In a letter to Chastellux, June 7, 1785, Jefferson further argues on this question as follows :

"I will beg leave to say here a few words on the general question of the degeneracy of animals in America. 1. As to the degeneracy of the man of Europe transplanted to America, it is no part of Mons. de Buffon's system. He goes indeed within one step of it, but he stops there. The Abbé Raynal alone has taken that step. Your knowlege of America enables you to judge this question, to say whether the lower class of people in America, are less informed & less susceptible of information than the lower class in Europe ; and whether those in America who have received such an education as that country can give, are less improved by it than Europeans of the same degree of education. 2. As to the Aboriginal man of America, I know of no respectable evidence on which the opinion of his inferiority of genius has been founded but that of Don Ulloa. As to Robertson, he never was in America, he relates nothing on his own knowlege, he is a compiler only of the relations of others, and a mere translator of the opinions of Mons. de Buffon. I should as soon therefore add the translators of Robertson to the witnesses of this fact, as himself. Pauw, the beginner of this charge was a compiler from the works of others ; and of the most unlucky description ; for he seems to have read the writings of travellers only to collect and republish their lies. It is really remarkable that in three volumes 12mo. of small print it is scarcely possible to find one truth, and yet that the author should be able to produce authority for every fact he states, as he says he can. Don Ulloa's testimony is the most respectable. He wrote of what he saw, but he saw the Indian of South America only, and that after he had passed through ten generations of slavery. It is very unfair, from this sample, to judge of the natural genius of this race of men ; and after supposing that Don Ulloa had not sufficiently calculated the allowance which should be made for this circumstance, we do him no injury in considering the picture he draws of the present Indians of S. America as no picture of what their ancestors were 300 years ago. It is in N. America we are to seek their original character. And I am safe in affirming

the comparison is to try an hypothesis, which [82] makes the size of animals depend on the *heat* and *moisture* of climate. If, therefore, we take a region, so extensive as to comprehend a sensible distinction of climate, and so extensive too as that local accidents, or the intercourse of animals on its borders, may not materially affect the size of those in its interior parts, we shall comply with those conditions which the hypothesis may reasonbly demand. The objection would be the weaker in the present case, because any intercourse of animals which may take place on the confines of Europe and Asia, is to the advantage of the former, Asia producing certainly larger animals than Europe. Let us then take a comparative view of the Quadrupeds of

that the proofs of genius given by the Indians of N. America, place them on a level with whites in the same uncultivated state. The North of Europe furnishes subjects enough for comparison with them, & for a proof of their equality. I have seen some thousands myself, and conversed much with them, and have found in them a male, sound understanding. I have had much information from men who had lived among them and whose veracity and good sense were so far known to me as to establish a reliance on their information. They have all agreed in bearing witness in favour of the genius of this people. As to their bodily strength, their manners rendering it disgraceful to labour, those muscles employed in labour will be weaker with them than with the European labourer; but those which are exerted in the chase, and those faculties which are employed in the tracing of an enemy or a wild beast, in contriving ambuscades for him, and in carrying them through their execution, are much stronger than with us, because they are more exercised. I believe the Indian then to be in body & mind equal to the white man. I have supposed the black man, in his present state, might not be so, but it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so. 3. As to the inferiority of the other animals of America, without more facts I can add nothing to what I have said in my Notes. As to the theory of Mons. de Buffon that heat is friendly & moisture adverse to the production of large animals, I am lately furnished with a fact by Doctor Franklin which proves the air of London & of Paris to be more humid than that of Philadelphia, and so creates a suspicion that the opinion of the superior humidity of America may perhaps have been too hastily adopted. And supposing that fact admitted, I think the physical reasonings urged to shew that in a moist country animals must be small, and that in a hot one they must be large, are not built on the basis of experiment. These questions however cannot be decided ultimately at this day. More facts must be collected, and more time flow off, before the world will be ripe for decision. In the meantime doubt is wisdom."

Europe and America, presenting them to the eye in three different tables, in one of which shall be enumerated those found in both countries; in a second, those found in one only; in a third, those which have been domesticated in both. To facilitate the comparison, let those of each table be arranged in gradation according to their sizes, from the greatest to the smallest, so far as their sizes can be conjectured. The weights [83] of the large animals shall be expressed in the English avoirdupoise pound and its decimals; those of the smaller, in the same ounce and its decimals. Those which are marked thus *, are actual weights of particular subjects, deemed among the largest of their species. Those marked thus †, are furnished by judicious persons, well acquainted with the species, and saying, from conjecture only, what the largest individual they had seen would probably have weighed. The other weights are taken from Messrs. Buffon and D'Aubenton, and are of such subjects as came casually to their hands for dissection. This circumstance must be remembered where their weights and mine stand opposed; the latter being stated not to produce a conclusion in favor of the American species, but to justify a suspension of opinion until we are better informed, and a suspicion, in the meantime, that there is no uniform difference in favor of either; which is all I pretend. [84]

A comparative View of the Quadrupeds of Europe and of America.

I. ABORIGINALS OF BOTH.

	Europe. lb.	America. lb.
Mammoth		
Buffalo. Bison		*1800
White Bear. Ours blanc		
Carribou. Renne		
Bear. Ours	153.7	*410
Elk. Elan. Orignal palmated [1]		
Red deer. Cerf	288.8	*273
Fallow Deer. Daim	167.8	
Wolf. Loup	69.8	
Roe. Chevreuil	56.7	
Glutton. Glouton. Carcajou		
Wild Cat. Chat sauvage		†30
Lynx. Loup cervier	25.	
Beaver. Castor	18.5	*45

[1] "Orignal moose palmated" in edition of 1853.

	Europe. lb.	America. lb.
Badger. Blaireau	13.6	
Red fox. Renard	13.5	
Gray fox. Isatis		
Otter. Loutre	8.9	†12
Monax. Marmotte	6.5	
Vison. Fouine	2.8	
Hedgehog. Herisson	2.2	
Marten. Marte	1.9	†6
	oz.	
Water rat. Rat d'eau	7.5	
Weasel. Belette	2.2	
		oz.
Flying squirrel. Polatouche	2.2	†4
Shrew mouse Musaraigne	1.	[85]

II. ABORIGINALS OF ONE ONLY.

EUROPE.		AMERICA.	
	lb.		lb.
Sanglier. Wild boar	280.	Tapir	534.
Mouflon. Wild sheep	56.	Elk, round horned	†450.
Bouquetin. Wild goat		Puma	
Lievre. Hare[1]	7.6	Jaguar	218.
Lapin. Rabbit	3.4	Cabiai	109.
Putois. Polecat	3.3	Tamanoir	109.
Genette	3.1	Tammandua	65.4
Desman. Muskrat	oz.	Cougar of North-America	75.
Ecureuil. Squirrel	12.	Cougar of South-America	59.4
Hermine. Ermin	8.2	Ocelot	
Rat. Rat	7.5	Pecari	46.3
Loirs	3.1	Jaguaret	43.6
Lerot. Dormouse	1.8	Alco	
Taupe. Mole	1.2	Lama	
Hampster	.9	Paco	
Zisel		Paca	32.7
Leming		Serval	
Souris. Mouse	.6	Sloth. Unau	27.½
		Saricovienne	
		Kincajou	
		Tatou Kabassou	21.8
		Urson. Urchin	
		Raccoon. Raton	16.5

[1] In the edition of 1853 is a footnote: "There exists in the Western and mountainous parts of Pennsylvania an animal which seems to be nearer the hare than our whabus. The meat is black, and an individual weighed 39½ oz. avoird. while the whabus is an animal of white meat, and weight about 29 oz.; the fur of the former is white as is the case with most animals in countries abounding with snow."

EUROPE.		AMERICA.	
			lb.
		Coati	
		Coendou	16.3
		Sloth. Ai	13.
		Sapajou Ouarini	
		Sapajou Coaita	9.8
		Tatou Encubert	
		Tatou Apar	
		Tatou Cachica	7.
		Little Coendou	6.5
		Opossum. Sarigue	[86]
		Tapeti	
		Margay	
		Crabier	
		Agouti	4.2
		Sapajou Saï	3.5
		Tatou Cirquinçon	
		Tatou Tatouate	3.3
		Mouffette Squash	
		Mouffette Chinche	
		Mouffette Conepate	
		Scunk	
		Mouffette. Zorilla	
		Whabus. Hare. Rabbit	
		Aperea	
		Akouchi	
		Ondatra. Muskrat	
		Pilori	
		Great gray squirrel	†2.7
		Fox squirrel of Virginia	†2.625
		Surikate	2.
		Mink	†2.
		Sapajou. Sajou	1.8
		Indian pig. Cochon d'Inde	1.6
		Sapajou Saïmiri	1.5
		Phalanger	
		Coqualain	
		Lesser gray squirrel	†1.5
		Black squirrel	†1.5
		Red squirrel	10. oz.
		Sagoin Saki	
		Sagoin Pinche	[87]
		Sagoin Tamarin	oz.
		Sagoin Ouistiti	4.4
		Sagoin Marakine	
		Sagoin Mico	
		Cayopollin	
		Fourmillier	
		Marmose	
		Sarigue of Cayenne	
		Tucan	
		Red mole	oz.
		Ground squirrel	4.

III. DOMESTICATED IN BOTH.

	Europe. lb.	America. lb.
Cow	763.	*2500
Horse		*1366
Ass		
Hog		*1200
Sheep		*125
Goat		*80
Dog	67.6	
Cat	7.	[88]

I have not inserted in the first table the Phoca,[1] nor leather-winged bat, because the one living half the year in the water, and the other being a winged animal, the individuals of each species may visit both continents.

Of the animals in the 1st table, Mons de Buffon himself informs us [XXVII. 130, XXX. 213,] that the beaver, the otter, and shrew mouse, though of the same species, are larger in America than Europe. This should therefore have corrected the generality of his expressions XVIII. 145, and elsewhere, that the animals common to the two countries, are considerably less in America than in Europe, 'et cela sans aucune exception.' He tells us too, [Quadrup. VIII. 334, edn. Paris 1777] that on examining a bear from America, he remarked no differ-[89]ence, "dans *la forme* de cet ours d'Amerique comparé a celui d'Europe," but adds from Bartram's journal, that an American bear weighed 400 lb. English, equal to 367 lb, French ; whereas we find the European bear examined by Mons. Daubenton, [XVII. 82,] weighed but 141 lb. French. That[2] the palmated Elk is larger in America

[1] It is said that this animal is seldom seen above thirty miles from shore, or beyond the 56th degree of latitude. The interjacent islands between Asia and America admit his passing from one continent to the other without exceeding these bounds. And in fact, travellers tell us that these islands are places of principal resort for them, and especially in the season of bringing forth their young.—*T. J.*

[2] In the edition of 1853 this passage is altered to read :

"Kalm tells us that the moose, orignal, or palmated elk of America, is as high as a tall horse ; and Catesby that it is about the bigness of a middle-sized ox. I have seen a skeleton 7 feet high, and from good information believe they are often considerably higher. The Elk of Europe is not two-thirds of his height."

To this passage in the edition of 1853 is appended the following footnote :

than in Europe, we are informed by Kalm,[1] a Naturalist, who visited the former by public appointment, for the express purpose of examining the subjects of natural history. In this fact Pennant concurs with him. [Barrington's Miscellanies.] The same Kalm tells us[2] that the Black Moose, or Renne of America, is as high as a tall horse ; and Catesby,[3] that it is about the bigness of a middle sized ox. The same account of their size has been given me by many who have seen them. But Mons. Daubenton says[4] that the Renne of Europe is about the size of a Red-Deer. The Wesel is larger in America than in Europe, as may be seen by comparing its dimensions as reported by Mons. Daubenton[5] and Kalm. The latter tells us,[6] that the Lynx badger, Red fox, and Flying squirrel, are the *same* in America as in Europe ; by [90] which expression I understand, they are the same in all material circumstances, in size as well as others : for if they were smaller, they would differ from the European. Our gray fox is, by Catesby's account,[7] little different in size and shape from the European fox. I presume he means the red fox of Europe, as does Kalm, where he says[8] that in size 'they do not quite come up to our foxes.' For, proceeding next to the red fox of America, he says, 'they are entirely the same with the European sort.' Which shows he had in view one European sort only, which was the red. So that the result of their testimony is, that the American gray fox is somewhat less than the European red ; which is equally true of the gray fox of Europe, as may be seen by comparing the measures of the Count de Buffon and Mons. Daubenton.[9] The white bear of America is as large as that of Europe. The bones of the Mammoth which has been found in America,

" This sentence in the first edition began as follows : 'Kalm tells us that the Black Moose or Renne of America is as high as a tall horse,' &c. The author corrected it as in the text, appending a marginal note in these words : 'This is not correct. Kalm considers the Moose as the Elk, and not as the Renne. Musu is the Algonkin name of the Orignal, or Elk.'—I. xxvii."

[1] I. 233, Lon. 1772.—*T. J.*

[2] Ib. 233.—*T. J.*

[3] I. xxvii.—*T. J.*

[4] XXIV. 162.—*T. J.*

[5] XV. 42.—*T. J.*

[6] I. 359. I. 48, 221, 251. II. 52.—*T. J.*

[7] II. 78.—*T. J.*

[8] I. 220.—*T. J.*

[9] XXVII. 63. XIV. 119. Harris, II. 387. Buffon, Quad. IX. I.—*T. J.*

are as large as those found in the old world. It may be asked, why I insert the Mammoth, as if it still existed? I ask in return, why I should omit it, as if it did not exist? Such is the economy of nature, that [91] no instance can be produced, of her having permitted any one race of her animals to become extinct; of her having formed any link in her great work so weak as to be broken. To add to this, the traditionary testimony of the Indians, that this animal still exists in the northern and western parts of America, would be adding the light of a taper to that of the meridian sun. Those parts still remain in their aboriginal state, unexplored and undisturbed by us, or by others for us. He may as well exist there now, as he did formerly where we find his bones. If he be a carnivorous animal, as some Anatomists have conjectured, and the Indians affirm, his early retirement may be accounted for from the general destruction of the wild game by the Indians, which commences in the first instant of their connection with us, for the purpose of purchasing match-coats, hatchets, and firelocks, with their skins. There remain then the [1] buffalo, red deer, fallow deer, wolf, roe,[2] glutton, wild cat, monax, vison, hedgehog, marten, and water rat, of the comparative sizes of which we have not sufficient testimony. It does not appear that Messrs de Buffon and [92] Daubenton have measured, weighed, or seen those of America. It is said of some of them, by some travellers, that they are smaller than the European. But who were these travellers? Have they not been men of a very different description from those who have laid open to us the other three quarters of the world? Was natural history the object of their travels? Did they measure or weigh the animals they speak of? or did they not judge of them by sight, or perhaps even from report only? Were they acquainted with the animals of their own country, with which they undertake to compare them? Have they not been so ignorant as often to mistake the species?[3] A true answer to these questions would probably lighten their

[1] In the edition of 1853 is here inserted the word "Renne."

[2] The word "roe" is omitted in the edition of 1853.

[3] In the edition of 1853 is a footnote: "Even Amer. Vesp. says he saw lions and wild bears in America.—Letters, page 77. He saw a serpent 8 braccie long, and as thick as his own waist.—Liii."

authority, so as to render it insufficient for the foundation of an hypothesis. How unripe we yet are, for an accurate comparison of the animals of the two countries, will appear from the work of Mons. de Buffon. The ideas we should have formed of the sizes of some animals, from the information he had received at his first publications concerning them, are very dif-[93]erent from what his subsequent communications give us. And indeed his candor in this can never be too much praised. One sentence of his book must do him immortal honour. 'J'aime autant une personne qui me releve d'une erreur, qu'une autre qui m'apprend une verité, parce qu'en effet une erreur corrigée est une verité."[1] He seems to have thought the cabiai he first examined wanted little of its full growth. 'Il n'etoit pas encore tout-a-fait adulte.'[2] Yet he weighed but 46½ lb., and he found afterwards,[3] that these animals, when full grown, weigh 100 lb. He had supposed, from the examination of a jaguar,[4] said to be two years old, which weighed but 16 lb. 12 oz., that when he should have acquired his full growth, he would not be larger than a middle-sized dog. But a subsequent account [5] raises his weight to 200 lb. Further information will, doubtless, produce further corrections. The wonder is, not that there is yet something in this great work to correct, but that there is so little. The result of this view then is, that of 26 quadrupeds common to both countries, 7 are said to be larger in America, 7 of equal [94] size, and 12 not sufficiently examined. So that the first table impeaches the first member of the assertion, that of the animals common to both countries, the American are smallest, "et cela sans aucune exception." It shows it is not just, in all the latitude in which its author has advanced it, and probably not to such a degree as to found a distinction between the two countries.

Proceeding to the second table, which arranges the animals found in one of the two countries only, Mons. de Buffon observes, that the tapir, the elephant of America, is but of the size of a small cow. To preserve our comparison, I will add, that the wild boar, the elephant of Europe, is little more than half

[1] Quad. IX. 158.—*T. J.*
[2] XXV. 184.—*T. J.*
[3] Quad. IX. 132.—*T. J.*
[4] XIX. 2.—*T. J.*
[5] Quad. IX. 41.—*T. J.*

that size. I have made an elk with round or cylindrical horns an animal of America, and peculiar to it; because I have seen many of them myself, and more of their horns; and because I can say, from the best information, that, in Virginia, this kind of elk has abounded much, and still exists in smaller numbers; and I could never learn that the palmated kind had been seen here at all.[1] I suppose this confined to the [95] more northern latitudes.[2] I have made our hare or rabbit peculiar, believing it to be [96] different from both the European animals of [97] those denominations, and calling it therefore by its Algonquin name, Whabus, to keep it distinct from these. Kalm is of the same

[1] In the edition of 1853 this end of the sentence reads: "the palmated kind is confined to the more Northern latitudes."

[2] The descriptions of Theodat, Denys and La Hontan, cited by Monsieur de Buffon, under the article Elan, authorize the supposition that the flat-horned elk is found in the northern parts of America. It has not however extended to our latitudes. On the other hand, I could never learn that the round-horned elk has been seen further north than the Hudson's river. This agrees with the former elk in its general character, being, like that, when compared with a deer, very much larger, its ears longer, broader, and thicker in proportion, its hair much longer, neck and tail shorter, having a dewlap before the breast (caruncula gutturalis Linnæi) a white spot often, if not always, of a foot diameter, on the hinder part of the buttocks round the tail; its gait a trot, and attended with a rattling of the hoofs; but distinguished from that decisively by its horns, which are not palmated, but round and pointed. This is the animal described by Catesby as the Cervus major Americanus, the stag of America, le Cerf de l'Amerique. But it differs from the Cervus as totally as does the palmated elk from the dama. And in fact it seems to stand in the same relation to the palmated elk, as the red deer does to the fallow. It has abounded in Virginia, has been seen, within my knowledge, on the eastern side of the Blue Ridge since the year 1765, is now common beyond those mountains, has been often brought to us and tamed, and its horns are in the hands of many. I should designate it as the "Alces Americanus cornibus teretibus." It were to be wished, that naturalists, who are acquainted with the renne and elk of Europe, and who may hereafter visit the northern parts of America, would examine well the animals called there by the names of gray and black moose, caribou, orignal and elk. Monsieur de Buffon has done what could be done from the materials in his hands, toward clearing up the confusion introduced by the loose application of these names among the animals they are meant to designate. He reduces the whole to the renne and flat-horned elk. From all the information I have been able to collect, I strongly suspect they will be found to cover three, if not four distinct species of animals. I have

opinion.[1] I have enumerated the squirrels according to our own knowledge, derived from daily sight of them, because I am not able to reconcile with that the European appellations and descriptions. I have heard of other species, but they have never come within my own notice. These, I think, are the only instances in which I have departed from the authority of Mons. de Buffon in the construction of this table. I take him for my ground work, because I think him the best informed of any Naturalist who has ever written. The result is, that there are 18 quadrupeds peculiar to Europe; more than four times as many, to wit. 74 peculiar to America; that the[2] first of these 74 weighs [97] more than the whole column of Europeans; and consequently this second table disproves the second member of the assertion, that the animals peculiar to the new world are on a smaller scale, so far as that assertion relied on European animals for support; and it is in full opposition to the theory which makes the animal volume to depend on the circumstances of *heat* and *moisture*.

The IIId. table comprehends those quadrupeds only which are

seen skins of a moose, and of the caribou: they differ more from each other, and from that of the round-horned elk, than I ever saw two skins differ which belonged to different individuals of any wild species. These differences are in the color, length, and coarseness of the hair, and in the size, texture, and marks of the skin. Perhaps it will be found that there is, 1, the moose, black and gray, the former being said to be the male, and the latter the female; 2, the caribou or renne; 3, the flat-horned elk, or orignal; 4, the round-horned elk. Should this last, though possessing so nearly the characters of the elk, be found to be the same with the Cerf d'Ardennes or Brandhitz of Germany still there will remain the three species first enumerated.—*T. J.* [*In the edition of 1853 this is followed by:*] "See Catesby and Kalm—reason to believe that the moose is the palmated elk or orignal."

[1] Kalm II. 340, I. 82.—*T. J.*

[2] The Tapir is the largest of the animals peculiar to America. I collect his weight thus: Monsieur de Buffon says, XXIII. 274, that he is of the size of a Zebu, or a small cow. He gives us the measures of a Zebu, ib. 94, as taken by himself, viz. five feet seven inches from the muzzle to the root of the tail, and five feet one inch circumference behind the fore-legs. A bull, measuring in the same way six feet nine inches and five feet two inches, weighed six hundred pounds, VIII. 153. The Zebu then, and of course the Tapir, would weigh about five hundred pounds. But one individual of every species of European peculiars would probably weigh less than four hundred pounds. These are French measures and weights.—*T. J.*

domestic in both countries. That some of these, in some parts of America, have become less than their original stock, is doubtless true ; and the reason is very obvious. In a thinly-peopled country, the spontaneous productions of the forests, and waste fields, are sufficient to support indifferently the domestic animals of the farmer, with a very little aid from him, in the se- [99] verest and scarcest season. He therefore finds it more convenient to receive them from the hand of nature in that indifferent state, than to keep up their size by a care and nourishment which would cost him much labour. If, on this low fare, these animals dwindle, it is no more than they do in those parts of Europe where the poverty of the soil, or the poverty of the owner, reduces them to the same scanty subsistence. It is the uniform effect of one and the same cause, whether acting on this or that side of the globe. It would be erring, therefore, against this rule of philosophy, which teaches us to ascribe like effects to like causes, should we impute this diminution of size in America to any imbecility or want of uniformity in the operations of nature. It may be affirmed with truth, that, in those countries, and with those individuals in America, where necessity or curiosity has produced equal attention, as in Europe, to the nourishment of animals, the horses, cattle, sheep, and hogs, of the one continent are as large as those of the other. There are particular instances, well attested, where individuals of this country have imported good breeders from England, and have [100] improved their size by care in the course of some years. To make a fair comparison between the two countries, it will not answer to bring together animals of what might be deemed the middle or ordinary size of their species ; because an error in judging of that middle or ordinary size, would vary the result of the comparison. Thus Monsieur Daubenton [1] considers a horse of 4 feet five inches high and 400 lb. weight French, equal to 4 feet 8.6 inches and 436 lb. English, as a middle-sized horse. Such a one is deemed a small horse in America. The extremes must therefore be resorted to. The same anatomist [2] dissected a horse of 5 feet 9 inches height, French measure, equal to 6 feet 1.7 English. This is near 6 inches higher than any horse I have seen : and could it be sup-

[1] VII. 432.—*T. J.* [2] VII. 474.—*T. J.*

posed that I had seen the largest horses in America, the conclusion would be, that ours have diminished, or that we have bred from a smaller stock. In Connecticut and Rhode Island, where the climate is favorable to the production of grass, bullocks have been slaughtered which weighed 2500, 2200, and 2100 lb. nett; and those of 1800 lbs. have been [101] frequent. I have seen a hog[1] weigh 1050 lb. after the blood, bowels, and hair had been taken from him. Before he was killed, an attempt was made to weigh him with a pair of steel-yards, graduated to 1200 lb. but he weighed more. Yet this hog was probably not within fifty generations of the European stock. I am well informed of another which weighed 1100 lb. gross. Asses have been still more neglected than any other domestic animal in America. They are neither fed or housed in the most rigorous season of the year. Yet they are larger than those measured by Mons. Daubenton[2] of 3 feet $7\frac{1}{4}$ inches, 3 feet 4 inches, and 3 feet $2\frac{1}{2}$ inches, the latter weighing only 215.8 lb. These sizes, I suppose, have been produced by the same negligence in Europe, which has produced a like diminution here. Where care has been taken of them on that side of the water, they have been raised to a size bordering on that of the horse; not by the *heat* and *dryness* of the climate, but by good food and shelter. Goats have been also much [102] neglected in America. Yet they are very prolific here, bearing twice or three times a year, and from one to five kids at a birth. Mons. de Buffon has been sensible of a difference in this circumstance in favour of America.[3] But what are their greatest weights, I cannot say. A large sheep here weighs 100 lb. I observe Mons. Daubenton calls a ram of 62 lb. one of the middle size.[4] But to say what are the extremes of growth in these and the other domestic animals of America, would require information of which no one individual is possessed.[5] The weights actually known and stated in the third table preceding will suffice to show, that we may conclude on probable grounds, that, with equal food and care, the climate of America will preserve the races of domestic

[1] In Williamsburg, April. 1769.—*T. J.*

[2] VIII. 48, 55, 66.—*T. J.*

[3] XVIII. 96.—*T. J.*

[4] IX. 41.—*T. J.*

[5] In the edition of 1853 is a footnote: "Perros en la Espanola han crecido en numero y en grandeza, desuerte, que plaga de aquella isla.—Acosta iv. 33."

animals as large as the European stock from which they are derived; and, consequently, that the third member of Mons. de Buffon's assertion that the domestic animals are subject to degeneration from the climate of America, is as probably wrong as the first and second were certainly so.

That the last part of it is erroneous, which affirms that the species of American quadru- [103] peds are comparatively few, is evident from the tables taken together. By these it appears that there are an hundred species aboriginal in America. Mons. de Buffon supposes about double that number existing on the whole earth.[1] Of these Europe, Asia, and Africa, furnish suppose 126; that is, the 26 common to Europe and America, and about 100 which are not in America at all. The American species, then, are to those of the rest of the earth, as 100 to 126, or 4 to 5. But the residue of the earth being double the extent of America, the exact proportion would have been but as 4 to 8.

Hitherto I have considered this hypothesis as applied to brute animals only, and not in its extension to the man of America, whether aboriginal or transplanted.[2] It is the opinion of Mons. de Buffon that the former furnishes no exception to it.[3]

'Quoique le sauvage du nouveau monde soit à-peu-près de même stature que l'homme de notre monde, cela ne suffit pas pour qu'il puisse faire une exception au fait général du rapetissement de la nature vivante dans tout ce continent: le sauvage est foible & petit par les organes de la génération; il n'a ni poil, ni barbe, & [104] nulle ardeur pour sa femelle; quoique plus léger que l'Européen, parce qu'il a plus d'habitude à courir, il est cependant beaucoup moins fort de corps; il est aussi bien moins sensible, & cependant plus craintif et plus lâche; il n'a nulle vivacité, nulle activité dans l'ame; celle du corps est moins un exercice, un mouvement volontaire qu'une nécessité d'action causée par le besoin; ôtez lui la faim et la soif, vous détruirez en même temps le principe actif de tous ses mouvemens; il demeurera stupidement en repos sur ses jambes ou couché pendant des jours entiers. Il ne faut pas aller chercher plus loin la cause de la vie dispersée des sauvages & de leur éloignement pour la société: la plus précieuse étincelle du feu de la nature leur a été refusée; ils manquent d'ardeur pour leur femelle, & par consequent d'amour pour leurs semblables; ne connoissant pas l'attachment le plus vif, le plus tendre de tous, leurs autres sentimens de ce genre, sont froids & languissans; ils aiment foiblement leurs pères et leurs enfans; la société la plus intime de toutes, celle de la même famille

[1] XXX. 219.—*T. J.* In the edition of 1853 is a further reference to: "xviii, 121."

[2] 1 Clavigero, 118.—*Footnote in edition of 1853.* [3] XVIII, 146.—*T. J.*

n'a donc chez eux que de foibles liens ; la société d'une famille à l'autre n'en a point du tout ; dès lors nulle réu-[105]nion, nulle république, nulle état social. La physique de l'amour fait chez eux le moral des mœurs ; leur cœur est glacé, leur société froide & leur empire dur. Ils ne regardent leurs femmes que comme des servantes de peine ou des bêtes de somme qu'ils chargent, sans ménagement, du fardeau de leur chasse & qu'ils forcent, sans pitié, sans reconnoissance, à des ouvrages qui souvent sont au dessus de leurs forces ; ils n'ont que peu d'enfans ; ils en ont peu de soin ; tout se ressent de leur premier défaut ; ils sont indifférents parce qu'ils sont peu puissans, & cette indifférence pour le sexe est la tâche originelle qui flétrit la nature, qui l'empêche de s'épanouir, & qui détruisant les germes de la vie, coupe en même temps la racine de la société. L'homme ne fait donc point d'exception ici. La nature en lui refusant les puissances de l'amour l'a plus maltraité et plus rapetissé qu'aucun des animaux.'

An afflicting picture, indeed, which for the honor of human nature, I am glad to believe has no original. Of the Indian of South America I know nothing ; for I would not honor with the appellation of knowledge, what I derive from the fables published of them. These I believe [106] to be just as true as the fables of Æsop. This belief is founded on what I have seen of man, white, red, and black, and what has been written of him by authors, enlightened themselves, and writing among an enlightened people. The Indian of North America being more within our reach, I can speak of him somewhat from my own knowledge, but more from the information of others better acquainted with him, and on whose truth and judgment I can rely. From these sources I am able to say, in contradiction to this representation,[1] that he is neither more defective in ardor, nor more impotent with his female, than the white reduced to the same diet and exercise ; that he is brave, when an enterprise depends on bravery ;[2] education with him making the point of honor consist in the destruction of an enemy by strategem, and in the preservation of his own person free from injury ; or, perhaps, this is nature, while it is education which teaches us to [3]honor force more than [107]

[1] Amer. Vesp., 13 : "Fuora di misura lussurosi," &c., 108.—*Footnote in edition of 1853.*

[2] Amer. Vesp., 30, 31, 39, 75, "Di buono sforzo, e digrande animo."—*Ib.*, 78.—*Footnote in edition of 1853.*

[3] Sol Rodomonte sprezza di venire
Se non, dove la via meno è ficura.—ARISTO, 14, 117.—*T. J.*

finesse ; that he will defend himself against a host of enemies, always choosing to be killed, rather than to surrender,[1] though it [108] be to the whites, who he knows will treat him well ; that in other situations, also, he meets death with more deliberation, and endures tortures with a firmness unknown almost to religious enthusiasm with us ; that he is affectionate to his children, careful of them, and indulgent in the extreme ; that his affections comprehend his other connections, [109] weakening, as with us, from circle to circle, as they recede from the centre ; that his friendships are strong and faithful to the uttermost[2] extremity ; that

[1] In so judicious an author as Don Ulloa, and one to whom we are indebted for the most precise information we have of South America, I did not expect to find such assertions as the following : " Los Indios vencidos son los mas cobardes y pusilanimes que se pueden vér :—se hacen inöcentes, se humillan hasta el desprecio, disculpan su inconsiderado arrojo, y con las suplicas y los ruegos dán seguras pruebas de su pusilanimidad.—ó lo que resieren las historias de la Conquista, sobre sus grandes acciones, es en un sendito figurado, ó el caracter de estas gentes no es ahora segun era entonces ; pero lo que no tiene duda es, que las Naciones de la parte Septentrional subsisten en la misma libertad que siempre han tenido, sin haber sido sojuzgados por algun Principe extraño, y que viven segun su régimen y costumbres de toda la vida, sin que haya habido motivo para que muden de caracter ; y en estos se vé lo mismo, que sucede en los del Peru, y de toda la América Meridional, reducidos, y que nunca lo han estado." Noticias Americanas, Entretenimiento, xviii. § 1. Don Ulloa here admits, that the authors who have described the Indians of South America, before they were enslaved, had represented them as a brave people, and therefore seems to have suspected that the cowardice which he had observed in those of the present race might be the effect of subjugation. But, supposing the Indians of North America to be cowards also, he concludes the ancestors of those of South America to have been so too, and, therefore, that those authors have given fictions for truth. He was probably not acquainted himself with the Indians of North America, and had formed his opinion from hear-say. Great numbers of French, of English, and of Americans, are perfectly acquainted with these people. Had he had an opportunity of inquiring of any of these, they would have told him, that there never was an instance known of an Indian begging his life when in the power of his enemies ; on the contrary, that he courts death by every possible insult and provocation. His reasoning, then, would have been reversed thus : " Since the present Indian of North America is brave, and authors tell us that the ancestors of those of South America were brave also, it must follow that the cowardice of their descendants is the effect of subjugation and ill treatment." For he observes, ib. §. 27, that " los obrages los aniquillan por la inhumanidad con que se les trata."— *T. J.*

[2] A remarkable instance of this appeared in the case of the late Colonel Byrd,

his sensibility is keen, even the warriors weeping most bitterly on the loss of their children, though in general they endeavor to appear superior to human events ; that his vivacity and activity [110] of mind is equal to ours in the same situation ; hence his eagerness for hunting, and for games of chance. The women are submitted to unjust drudgery. This I believe is the case with every barbarous people. With such, force is law. The stronger sex therefore imposes on the weaker. It is civilization alone which replaces women in the enjoyment of their natural equality. That first teaches us to subdue the selfish passions, and to respect those rights in others which we value in ourselves. Were we in equal barbarism, our females would be equal drudges. The man with them is less strong than with us, but their woman stronger than ours ; and both for the same obvious reason ; because our man and their woman is habituated to labor, and formed by it. With both races the sex which is indulged with ease is the least athletic. An Indian man is small in the hand and wrist, for the same reason for which a sailor is large and strong in the arms and shoulders, and a porter in the legs and thighs. They raise fewer children than we do. The causes of this are to be found, not in a difference of nature, but of circumstance. The women very frequently attending the men in [111] their parties of war and of hunting, child-bearing becomes extremely inconvenient to them. It is said, therefore, that they have learned the practice of procuring abortion by the use of some vegetable ; and that it even extends to prevent conception for a considerable

who was sent to the Cherokee nation to transact some business with them. It happened that some of our disorderly people had just killed one or two of that nation. It was therefore proposed in the council of the Cherokees that Colonel Byrd should be put to death, in revenge for the loss of their countrymen. Among them was a chief named Silòuee, who, on some former occasion, had contracted an acquaintance and friendship with Colonel Byrd. He came to him every night in his tent, and told him not to be afraid, they should not kill him. After many days' deliberation, however, the determination was, contrary to Silòuee's expectation, that Byrd should be put to death, and some warriors were despatched as executioners. Silòuee attended them, and when they entered the tent, he threw himself between them and Byrd, and said to the warriors, "This man is my friend ; before you get at him, you must kill me." On which they returned, and the council respected the principle so much as to recede from their determination.—*T. J.*

time after.[1] During these parties they are exposed to numerous hazards, to excessive exertions, to the greatest extremities of hunger. Even at their homes the nation depends for food, through a certain part of every year, on the gleanings of the forest; that is, they experience a famine once in every year. With all animals, if the female be illy fed, or not fed at all, her young perish; and if both male and female be reduced to like want, generation becomes less active, less productive. To the obstacles, then, of want and hazard, which nature has opposed to the multiplication of wild animals, for the purpose of restraining their numbers within certain bounds, those of labour and of voluntary abortion are added with the Indian. No wonder, then, if they multiply less than we do. Where food is regularly supplied, a single farm will show more of cattle, than a whole country of forests can of buffalos. The [112] same Indian women, when married to white traders, who feed them and their children plentifully and regularly, who exempt them from excessive drudgery, who keep them stationary and unexposed to accident, produce and raise as many children as the white women.[2] Instances are known, under these circumstances, of their rearing a dozen children. An inhuman practice once prevailed in this country, of making slaves of the Indians.[3] It is a fact well known with us, that the Indian women so enslaved produced and raised as numerous families as either the whites or blacks among whom they lived. It has been said that Indians have less hair than the whites, except on the head. But this is a fact of which fair proof can scarcely be had.[4] With them it is disgraceful to be hairy on the body. They say it likens them to hogs. They therefore pluck the hair as fast as it appears. But the traders who marry their women, and prevail on them to discontinue this practice,

[1] In the edition of 1853 is a reference to: "'Vivono cento cinquanta anni.'—Amer. Vesp., 111. Amer. Vesp., 13."

[2] In the edition of 1853 is a footnote as follows: "Amer. Vesp., 13. 'Sono donne molto generative,' &c."

[3] In the edition of 1853 an addition is here made to the text, as follows: "This practice commenced with the Spaniards with the first discovery of America.—[See Herrera, Amer. Vesp.]."

[4] "Amer. Vesp., 9."—*Footnote in edition of 1853.*

say, that nature is the same with them as with the whites. Nor, if the fact be true, is the consequence necessary which has been drawn from it. Negroes have notoriously less hair than the [113] whites; yet they are more ardent. But if cold and moisture be the agents of nature for diminishing the races of animals, how comes she all at once to suspend their operation as to the physical man of the new world, whom the Count acknowledges to be 'à peu près de même stature que l'homme de notre monde,' and to let loose their influence on his moral faculties? How has this 'combination of the elements and other physical causes, so contrary to the enlargement of animal nature in this new world, these obstacles to the development and formation of great germs,'[1] been arrested and suspended, so as to permit the human body to acquire its just dimensions, and by what inconceivable process has their action been directed on his mind alone? To judge of the truth of this, to form a just estimate of their genius and mental powers, more facts are wanting, and great allowance to be made for those circumstances of their situation which call for a display of particular talents only. This done, we shall probably find that they are formed in mind as well as body, on the same [114] module with the[2] 'Homo sapiens Europæus.' The principles of their society forbidding all compulsion, they are to be led to duty and to enterprise by personal influence and persuasion. Hence eloquence in council, bravery and address in war, become the foundations of all consequence with them. To these acquirements all their faculties are directed. Of their bravery and address in war we have multiplied proofs, because we have been the subjects on which they were exercised. Of their eminence in oratory we have fewer examples, because it is displayed chiefly in their own councils. Some, however, we have, of very superior lustre. I may challenge the whole orations of Demosthenes and Cicero, and of any more eminent orator, if Europe has furnished any more eminent, to produce a single passage, superior to the speech of Logan, a Mingo chief, to Lord Dunmore, when governor of this state. And as a testimony of their talents in this line, I beg leave to introduce it, first stating the incidents

[1] XVIII. 146.— *T. J.*

[2] Linn. Syst. Definition of a Man.— *T. J.*

necessary for understanding it. In the [115] spring of the year 1774, a robbery and murder were committed on an inhabitant of the frontier of Virginia, by two Indians of the Shawanee tribe. The neighbouring whites, according to their custom, undertook to punish this outrage in a summary way. Col. Cresap, a man infamous for the many murders he had committed on those much injured people, collected a party and proceeded down the Kanhaway in quest of vengeance. Unfortunately a canoe of women and children, with one man only, was seen coming from the opposite shore, unarmed, and unsuspecting an hostile attack from the whites. Cresap and his party concealed themselves on the bank of the river, and the moment the canoe reached the shore, singled out their objects, and at one fire, killed every person in it. This happened to be the family of Logan, who had long been distinguished as a friend of the whites. This unworthy return provoked his vengeance. He accordingly signalized himself in the war which ensued. In the autumn of the same year a decisive battle was fought at the mouth of the Great Kanhaway, between the collected forces of the Shawanese, Mingoes and Delawares, and [116] a detachment of the Virginia militia. The Indians were defeated and sued for peace. Logan, however, disdained to be seen among the suppliants. But lest the sincerity of a treaty should be distrusted, from which so distinguished a chief absented himself, he sent, by a messsenger, the following speech, to be delivered to Lord Dunmore.

"I appeal to any white man to say, if ever he entered Logan's cabin hungry, and he gave him not meat; if ever he came cold and naked, and he cloathed him not. During the course of the last long and bloody war Logan remained idle in his cabin an advocate for peace. Such was my love for the whites, that my countrymen pointed as they passed, and said, 'Logan is the friend of white men.' I had even thought to have lived with you, but for the injuries of one man. Colonel Cresap, the last spring, in cold blood, and unprovoked, murdered all the relations of Logan, not sparing even my women and children. There runs not a drop of my blood in the veins of any living creature. This called on me for revenge. I have sought it: I have killed many: I have fully glutted my vengeance: for my coun- [117] try I rejoice

at the beams of peace. But do not harbour a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life. Who is there to mourn for Logan?—Not one."[1]

[1] The accuracy of this narrative was challenged by Luther Martin, a son-in-law of Cresap, in a Baltimore paper, March, 29. 1797. Upon Jefferson's attention being called to this he wrote to Governor John Henry of Maryland, as follows:

PHILADELPHIA, December 31, 1797.

"DEAR SIR,—Mr. Tazewell has communicated to me the inquiries you have been so kind as to make, relative to a passage in the "Notes on Virginia," which has lately excited some newspaper publications. I feel, with great sensibility, the interest you take in this business, and with pleasure, go into explanations with one whose objects I know to be truth and justice alone. Had Mr. Martin thought proper to suggest to me, that doubts might be entertained of the transaction respecting Logan, as stated in the "Notes on Virginia," and to inquire on what grounds that statement was founded, I should have felt myself obliged by the inquiry; have informed him candidly of the grounds, and cordially have co-operated in every means of investigating the fact, and correcting whatsoever in it should be found to have been erroneous. But he chose to step at once into the newspapers, and in his publications there and the letters he wrote to me, adopted a style which forbade the respect of an answer. Sensible, however, that no act of his could absolve me from the justice due to others, as soon as I found that the story of Logan could be doubted, I determined to inquire into it as accurately as the testimony remaining, after the lapse of twenty odd years, would permit, and that the result should be made known, either in the first new edition which should be printed of the "Notes on Virginia," or by publishing an appendix. I thought that so far as that work had contributed to impeach the memory of Cresap, by handing on an erroneous charge it was proper it should be made the vehicle of retribution. Not that I was at all the author of the injury; I had only concurred, with thousands and thousands of others, in believing a transaction on authority which merited respect. For the story of Logan is only repeated in the "Notes on Virginia," precisely as it had been current for more than a dozen years before they were published. When Lord Dunmore returned from the expedition against the Indians, in 1774, he and his officers brought the speech of Logan, and related the circumstances of it. These were so affecting, and the speech itself so fine a morsel of eloquence, that it became the theme of every conversation, in Williamsburg particularly, and generally, indeed, wheresoever any of the officers resided or resorted. I learned it in Williamsburg, I believe at Lord Dunmore's; and I find in my pocket-book of that year (1774) an entry of the narrative, as taken from the mouth of some person, whose name, however, is not noted, nor recollected, precisely in the words stated in the "Notes on

Before we condemn the Indians of this continent as wanting genius, we must consider that letters have not yet been introduced among them. Were we to compare them in their present state

Virginia." The speech was published in the Virginia Gazette of that time, (I have it myself in the volume of gazettes of that year,) and though it was the translation made by the common interpreter, and in a style by no means elegant, yet it was so admired, that it flew through all the public papers of the continent, and through the magazines and other periodical publications of Great Britain; and those who were boys at that day will now attest, that the speech of Logan used to be given them as a school exercise for repetition. It was not till about thirteen or fourteen years after the newspaper publications, that the "Notes on Virginia" were published in America. Combating, in these, the contumelious theory of certain European writers, whose celebrity gave currency and weight to their opinions, that our country from the combined effects of soil and climate, degenerated animal nature, in general, and particularly the moral faculties of man, I considered the speech of Logan as an apt proof of the contrary, and used it as such; and I copied, verbatim, the narrative I had taken down in 1774, and the speech as it had been given us in a better translation by Lord Dunmore. I knew nothing of the Cresaps, and could not possibly have a motive to do them an injury with design. I repeated what thousands had done before, on as good authority as we have for most of the facts we learn through life, and such as, to this moment, I have seen no reason to doubt. That any body questioned it, was never suspected by me, till I saw the letter of Mr. Martin in the Baltimore paper. I endeavored then to recollect who among my contemporaries, of the same circle of society, and consequently of the same recollections, might still be alive; three and twenty years of death and dispersion had left very few. I remembered, however, that General Gibson was still living, and knew that he had been the translator of the speech. I wrote to him immediately. He, in answer, declares to me, that he was the very person sent by Lord Dunmore to the Indian town; that, after he had delivered his message there, Logan took him out to a neighboring wood; sat down with him, and rehearsing, with tears, the catastrophe of his family, gave him that speech for Lord Dunmore; that he carried it to Lord Dunmore; translated it to him; has turned to it in the Encyclopedia, as taken from the "Notes on Virginia," and finds that it was his translation I had used, with only two or three verbal variations of no importance. These, I suppose, had risen in the course of successive copies. I cite General Gibson's letter by memory, not having it with me; but I am sure I cite it substantially right. It establishes unquestionably, that the speech of Logan is genuine; and that being established, it is Logan himself who is author of all the important facts. "Colonel Cresap," says he, "in cold blood and unprovoked, murdered all the relations of Logan, not sparing even my women and children; there runs not a drop of my blood in the veins of any living creature." The person and the fact, in all

with the Europeans North of the Alps, when the Roman arms and arts first crossed those mountains, the comparison would be unequal, because, at that time, those parts of Europe were swarming

its material circumstances, are here given by Logan himself. General Gibson, indeed, says, that the title was mistaken ; that Cresap was a Captain, and not a Colonel. This was Logan's mistake. He also observes, that it was on another water of the Ohio, and not on the Kanhaway, that his family was killed. This is an error which has crept into the traditionary account ; but surely of but little moment in the moral view of the subject. The material question is, was Logan's family murdered, and by whom? That it was murdered has not, I believe, been denied ; but it was by one of the Cresaps, Logan affirms. This is a question that concerns the memories of Logan and Cresap ; to the issue of which I am as indifferent as if I had never heard the name of either. I have begun and shall continue to inquire into the evidence additional to Logan's, on which the fact was founded. Little, indeed, can now be heard of, and that little dispersed and distant. If it shall appear on inquiry, that Logan has been wrong in charging Cresap with the murder of his family, I will do justice to the memory of Cresap, as far as I have contributed to the injury, by believing and repeating what others had believed and repeated before me. If, on the other hand, I find that Logan was right in his charge, I will vindicate as far as my suffrage may go, the truth of a Chief, whose talents and misfortunes have attached to him the respect and commiseration of the world.

I have gone, my dear Sir, into this lengthy detail to satisfy a mind, in the candor and rectitude of which I have the highest confidence. So far as you may incline to use the communication for rectifying the judgments of those who are willing to see things truly as they are, you are free to use it. But I pray that no confidence which you may repose in any one, may induce you to let it go out of your hands, so as to get into a newspaper: against a contest in that field I am entirely decided. I feel extraordinary gratification, indeed, in addressing this letter to you, with whom shades of difference in political sentiment have not prevented the interchange of good opinion, nor cut off the friendly offices of society and good correspondence. This political tolerance is the more valued by me, who consider social harmony as the first of human felicities, and the happiest moments, those which are given to the effusions of the heart. Accept them sincerely, I pray you, from one who has the honor to be, with sentiments of high respect and attachment, dear Sir, your most obedient and most humble servant."

From this time, Jefferson corresponded in many directions to obtain proof on the subject, and succeeded in securing a number of depositions and narratives relating to the frontier disturbances. A portion of these most favorable to Jefferson's account, he printed in pamphlet form, three years later, with the title of :

An/Appendix/to the/Notes on Virginia/Relative to the Murder of Logan's

with numbers ; because numbers produce emulation and multiply the chances of improvement, and one improvement begets another. Yet I may safely ask, how many good poets, how many able

Family. / By Thomas Jefferson: / Philadelphia : / Printed by Samuel H. Smith./ M,D,CCC./ [8vo. pp. 51].

This Appendix was included in all subsequent editions of the *Notes on Virginia*, but as it has little relation to Jefferson, the present editor merely prints Jefferson's introduction to the documents and his conclusion.

"*Introduction to Appendix.*

"The 'Notes on Virginia' were written, in Virginia, in the years 1781 and 1782, in answer to certain queries proposed to me by Monsieur de Marbois, then secretary of the French legation in the United States ; and a manuscript copy was delivered to him. A few copies, with some additions, were afterwards, in 1784, printed in Paris, and given to particular friends. In speaking of the animals of America, the theory of M. de Buffon, the Abbe Raynal, and others presented itself to consideration. They have supposed there is something in the soil, climate, and other circumstances of America, which occasions animal nature to degenerate, not excepting even the man, native or adoptive, physical or moral. This theory, so unfounded and degrading to one-third the globe, was called to the bar of fact and reason. Among other proofs adduced in contradiction of this hypothesis, the speech of Logan, an Indian chief, delivered to Lord Dunmore in 1774, was produced, as a specimen of the talents of the aboriginals of this country, and particularly of their eloquence ; and it was believed that Europe had never produced anything superior to this morsel of eloquence. In order to make it intelligible to the reader, the transaction, on which it was founded, was stated, as it had been generally related in America at the time, and as I had heard it myself, in the circle of Lord Dunmore, and the officers who accompanied him ; and the speech itself was given as it had, ten years before the printing of that book, circulated in the newspapers through all the then colonies, through the magazines of Great Britain, and periodical publications of Europe. For three and twenty years it passed uncontradicted ; nor was it ever suspected that it even admitted contradiction. In 1797, however, for the first time, not only the whole transaction respecting Logan was affirmed in the public papers to be false, but the speech itself suggested to be a forgery, and even a forgery of mine, to aid me in proving that the man of America was equal in body and in mind, to the man of Europe. But wherefore the forgery ; whether Logan's or mine, it would still have been American. I should indeed consult my own fame if the suggestion, that this speech is mine, were suffered to be believed. He would have just right to be proud who could with truth claim that composition. But it is none of mine ; and I yield it to whom it is due.

"On seeing then that this transaction was brought into question, I thought it my duty to make particular inquiry into its foundation. It was the more my

mathematicians, how many great inventors in arts or sciences, had Europe, North of the Alps, then produced? And it was sixteen centuries after this before a Newton could be formed. I

duty, as it was alleged that, by ascribing to an individual therein named, a participation in the murder of Logan's family, I had done an injury to his character, which it had not deserved. I had no knowledge personally of that individual. I had no reason to aim an injury at him. I only repeated what I had heard from others, and what thousands had heard and believed as well as myself; and which no one indeed, till then, had been known to question. Twenty-three years had now elapsed, since the transaction took place. Many of those acquainted with it were dead, and the living dispersed to very distant parts of the earth. Few of them were even known to me. To those however of whom I knew, I made application by letter; and some others, moved by a regard for truth and justice, were kind enough to come forward, of themselves, with their testimony. These fragments of evidence, the small remains of a mighty mass which time has consumed, are here presented to the public, in the form of letters, certificates, or affidavits, as they came to me. I have rejected none of these forms, nor required other solemnities from those whose motives and characters were pledges of their truth. Historical transactions are deemed to be well vouched by the simple declarations of those who have borne a part in them; and especially of persons having no interest to falsify or disfigure them. The world will now see whether they, or I, have injured Cresap, by believing Logan's charge against him; and they will decide between Logan and Cresap, whether Cresap was innocent, and Logan a calumniator?

"In order that the reader may have a clear conception of the transactions, to which the different parts of the following declarations refer, he must take notice that they establish four different murders. 1. Of two Indians, a little above Wheeling. 2. Of others at Grave Creek, among whom were some of Logan's relations. 3. The massacre at Baker's bottom, on the Ohio, opposite the mouth of Yellow Creek, where were other relations of Logan. 4. Of those killed at the same place, coming in canoes to the relief of their friends. I place the numbers 1, 2, 3, 4, against certain paragraphs of the evidence, to indicate the particular murder to which the paragraph relates, and present also a small sketch or map of the principal scenes of these butcheries, for their more ready comprehension."

The various documents are then printed, and the whole concluded by a summary as below:

"*From this testimony the following historical statement results:*

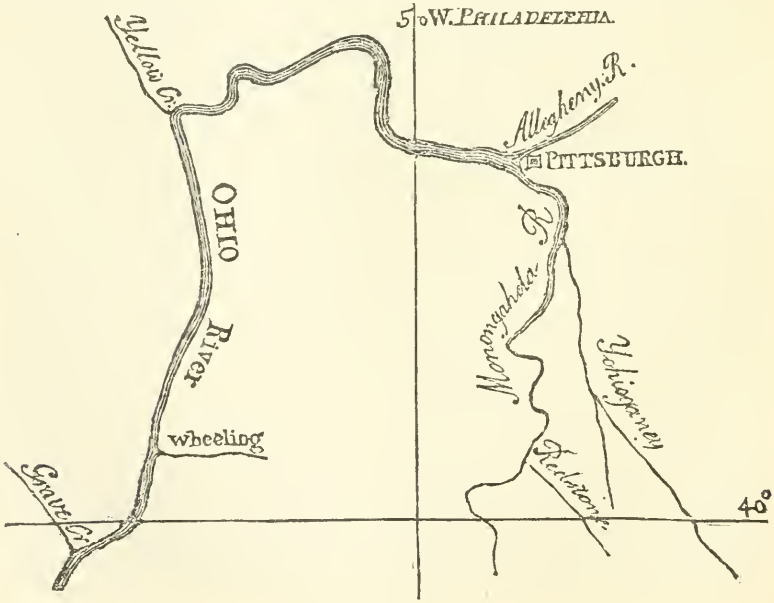
"In April or May, 1774, a number of people being engaged in looking out for settlements on the Ohio, information was spread among them, that the Indians had robbed some of the land-jobbers, as those adventurers were called. Alarmed for their safety, they collected together at Wheeling Creek. Hearing there that there were two Indians and some traders a little above Wheeling,

do not mean to deny that there are varieties in the race of man, distinguished by their powers both of body and mind. I believe there are, as [118] I see to be the case in the races of other animals. I only mean to suggest a doubt, whether the bulk and

Captain Michael Cresap, one of the party, proposed to waylay and kill them. The proposition, though opposed, was adopted. A party went up the river, with Cresap at their head, and killed the two Indians.

"The same afternoon it was reported that there was a party of Indians on the Ohio, a little below Wheeling. Cresap and his party immediately proceeded down the river, and encamped on the bank. The Indians passed him peaceably, and encamped at the mouth of Grave Creek, a little below. Cresap and his party attacked them and killed several. The Indians returned the fire, and wounded one of Cresap's party. Among the slain of the Indians were some of Logan's family. Colonel Zane indeed expresses a doubt of it; but it is affirmed by Houston and Chambers. Smith, one of the murderers, said they were known and acknowledged to be Logan's friends, and the party themselves generally said so; boasted of it in the presence of Cresap; pretended no provocation; and expressed their expectations that Logan would probably avenge their deaths.

"Pursuing these examples, Daniel Great-house, and one Tomlinson, who



faculties of animals depend on the side of the Atlantic on which their food happens to grow, or which furnishes the elements of which they are compounded? Whether nature has enlisted herself as a Cis- or Trans-Atlantic partisan? I am induced to sus-

lived on the opposite side of the river from the Indians, and were in habits of friendship with them, collected, at the house of Polke, on Cross Creek, about 16 miles from Baker's Bottom, a party of 32 men. Their object was to attack a hunting encampment of Indians, consisting of men, women, and children, at the mouth of Yellow Creek, some distance above Wheeling. They proceeded, and when arrived near Baker's Bottom, they concealed themselves, and Great-house crossed the river to the Indian camp. Being among them as a friend, he counted them, and found them too strong for an open attack with his force. While here, he was cautioned by one of the women not to stay, for that the Indian men were drinking, and having heard of Cresap's murder of *their relations* at Grave Creek, were angry, and she pressed him in a friendly manner, to go home; whereupon, after inviting them to come over and drink, he returned to Baker's, which was a tavern, and desired that when any of them should come to his house he would give them as much rum as they would drink. When his plot was ripe, and a sufficient number of them were collected at Baker's, and intoxicated, he and his party fell on them and massacred the whole, except a little girl, whom they preserved as a prisoner. Among these was the very woman who had saved his life, by pressing him to retire from the drunken wrath of her friends, when he was spying their camp at Yellow Creek. Either she herself, or some other of the murdered women, was the sister of Logan, very big with child, and inhumanly and indecently butchered; and there were others of his relations who fell here.

"The party on the other side of the river, alarmed for their friends at Baker's, on hearing the report of the guns, manned two canoes and sent them over. They were received, as they approached the shore, by a well-directed fire from Great-house's party, which killed some, wounded others, and obliged the rest to put back. Baker tells us there were twelve killed, and six or eight wounded.

"This commenced the war, of which Logan's war-club and note left in the house of a murdered family, was the notification. In the course of it, during the ensuing summer, a great number of innocent men, women, and children, fell victims to the tomahawk and scalping knife of the Indians, till it was arrested in the autumn following by the battle at Point Pleasant, and the pacification of Lord Dunmore, at which the speech of Logan was delivered.

"Of the genuineness of that speech nothing need be said. It was known to the camp where it was delivered; it was given out by Lord Dunmore and his officers; it ran through the public papers of these States; was rehearsed as an exercise at schools; published in the papers and periodical works of Europe; and all this, a dozen years before it was copied into the Notes on Virginia. In fine, General Gibson concludes the question for ever, by declaring that he

pect there has been more eloquence than sound reasoning displayed in support of this theory ; that it is one of those cases where the judgment has been seduced by a glowing pen ; and whilst I render every tribute of honor and esteem to the cele-

received it from Logan's hand, delivered it to Lord Dunmore, translated it for him, and that the copy in the Notes on Virginia is a faithful copy.

" The popular account of these transactions, as stated in the Notes on Virginia, appears, on collecting exact information, imperfect and erroneous in its details. It was the belief of the day ; but how far its errors were to the prejudice of Cresap, the reader will now judge. That he, and those under him, murdered two Indians above Wheeling ; that they murdered a large number at Grave Creek, among whom were a part of the family and relations of Logan, cannot be questioned ; and as little that this led to the massacre of the rest of the family at Yellow Creek. Logan imputed the whole to Cresap, in his war-note and peace-speech : the Indians generally imputed it to Cresap : Lord Dunmore and his officers imputed it to Cresap : the country, with one accord, imputed it to him : and whether he were innocent, let the universal verdict now declare."

The whole question was again very fully discussed in Brantz Mayer's *Tah Gah Jute ; or, Logan and Cresap*, where certain evidence that had been suppressed by Jefferson is given. After a careful study of the controversy, it becomes evident that Jefferson's account, in implicating Cresap, was unfounded in fact, and had Jefferson confessed his error, he would have acquitted himself of any responsibility for the false statement, for he merely, as George Rogers Clark wrote, repeated what was popular rumor of the day " on a subject which I know he was not the Author of." But in subsequent editions the original version is unchanged, and by Jefferson's suppression of proof against his view, he became truly answerable for the statement. How far this deception was induced by the personal and political antipathy between himself and Martin cannot be decided, but the whole matter was used as political ammunition by both parties, and presumably produced the usual verity that political controversy is famous for. Even in the latest revision of the *Notes on Virginia*, Jefferson made no change in the statement ; but Washington, in the text he printed in his edition of Jefferson's writings, took the liberty of changing the paragraph, to read :

"In the spring of the year 1774, a robbery was committed by some Indians on certain land-adventurers on the river Ohio. The whites in that quarter, according to their custom, undertook to punish this outrage in a summary way. Captain Michael Cresap, and a certain Daniel Greathouse, leading on these parties, surprised, at different times, travelling and hunting parties of the Indians, having their women and children with them, and murdered many. Among these were unfortunately the family of Logan, a chief celebrated in peace and war, and long distinguished as a friend of the whites."

Aside from the controversy over Cresap's implication in the death of Logan's

brated Zoologist, who has added, and is still adding, so many precious things to the treasures of science, I must doubt whether in this instance he has not cherished error also by lending her for a moment his vivid imagination and bewitching language.[1]

kin, were the questions of the authenticity of the speech as reported by Jefferson, and the nativity of the maker. The earliest known version of the speech is contained in a letter from James Madison to William Bradford, dated January 20, 1775. A slightly varying version was printed in the *Virginia Gazette* of February 4, 1775, and was extensively copied by other papers. There are slight verbal variations in both from that printed by Jefferson, but none such as discredit his text. It is thus evident that the speech is thoroughly authentic. As to the origin of Logan, the balance of positive evidence seems to indicate that he was a half-breed; even without the additional generalization that the holding of Indians as slaves in the early colony days, the frequent capture and adoption of white children by the savages, as well as the less obvious mixture of races caused by the character and condition of the frontiersman and the moral standards of the Indians, had left few full-blooded Indians in the regions of white settlement and exploration. The superiority of the Indian in combating with the whites in the last fifty years of the eighteenth century, over the earlier periods, though the relative proportion of numbers had been entirely reversed, proves the change the race had undergone, and possibly explains an eloquence nowheres mentioned by the early travellers in America.

[1] "Monsieur Buffon has indeed given an afflicting picture of human nature in his description of the man of America. But sure I am there never was a picture more unlike the original. He grants indeed that his stature is the same as that of the man of Europe. He might have admitted, that the Iroquois were larger, and the Lenapi, or Delawares, taller than people in Europe generally are. But he says their organs of generation are smaller and weaker than those of Europeans. Is this a fact? I believe not; at least it is an observation I never heard before.—'They have no beard.' Had he known the pains and trouble it cost the men to pluck out by the roots the hair that grows on their faces, he would have seen that nature had not been deficient in that respect. Every nation has its customs. I have seen an Indian beau, with a looking-glass in his hand, examining his face for hours together, and plucking out by the roots every hair he could discover, with a kind of tweezer made of a piece of fine brass wire that had been twisted round a stick, and which he used with great dexterity.—'They have no ardor for their females.' It is true they do not indulge those excesses, nor discover that fondness which is customary in Europe; but this is not owing to a defect in nature but to manners. Their soul is wholly bent upon war. This is what procures them glory among the men, and makes them the admiration of the women. To this they are educated from their earliest youth. When they pursue game with ardor, when they bear the fatigues of the chase, when they sustain and suffer patiently hunger and

So far the Count de Buffon has carried this new theory of the tendency of nature to belittle her productions on this side the Atlantic. Its application to the race of whites transplanted from

cold; it is not so much for the sake of the game they pursue, as to convince their parents and the council of the nation that they are fit to be enrolled in the number of the warriors. The songs of the women, the dance of the warriors, the sage counsel of the chiefs, the tales of the old, the triumphal entry of the warriors returning with success from battle, and the respect paid to those who distinguish themselves in war, and in subduing their enemies; in short, everything they see or hear tends to inspire them with an ardent desire for military fame. If a young man were to discover a fondness for women before he has been to war, he would become the contempt of the men, and the scorn and ridicule of the women. Or were he to indulge himself with a captive taken in war, and much more were he to offer violence in order to gratify his lust, he would incur indelible disgrace. The seeming frigidity of the men, therefore, is the effect of manners, and not a defect of nature. Besides, a celebrated warrior is oftener courted by the females, than he has occasion to court; and this is a point of honor which the men aim at. Instances similar to that of Ruth and Boaz * are not uncommon among them. For though the women are modest and diffident, and so bashful that they seldom lift up their eyes, and scarce ever look a man full in the face, yet, being brought up in great subjection, custom and manners reconcile them to modes of acting, which, judged of by Europeans, would be deemed inconsistent with the rules of female decorum and propriety. I once saw a young widow, whose husband, a warrior, had died about eight days before, hastening to finish her grief, and who, by tearing her hair, beating her breast, and drinking spirits, made the tears flow in great abundance, in order that she might grieve much in a short space of time, and be married that evening to another young warrior. The manner in which this was viewed by the men and women of the tribe, who stood round, silent and solemn spectators of the scene, and the indifference with which they answered my question respecting it, convinced me that it was no unusual custom. I have known men advanced in years, whose wives were old and past child-bearing, take young wives, and have children, though the practice of polygamy is not common. Does this savor of frigidity, or want of ardor for the female? Neither do they seem to be deficient in natural affection. I have seen both fathers and mothers in the deepest affliction, when their children have been dangerously ill: though I believe the affection is stronger in the descending than the ascending scale, and though custom forbids a father to grieve immoderately for a son slain in battle. 'That they are timorous and cowardly,' is a character with which there is little reason to charge them, when we recollect the manner in which the Iriquois met Monsieur ———, who marched into their country; in

* When Boaz had eaten and drank, and his heart was merry, he went to lie down at the end of the heap of corn; and Ruth came softly, and uncovered his feet, and laid her down. Ruth, iii. 7.

Europe, remained for the Abbé Raynal.[1] 'On doit etre etonné (he says) que l'Amerique n'ait pas encore produit un bon poëte, [119] un habile mathematicien, un homme de genie dans un seul

which the old men, who scorned to fly, or to survive the capture of their town, braved death, like the old Romans in the time of the Gauls, and in which they soon after revenged themselves by sacking and destroying Montreal. But above all, the unshaken fortitude with which they bear the most excruciating tortures and death when taken prisoners, ought to exempt them from that character. Much less are they to be characterized as a people of no vivacity, and who are excited to action or motion only by the calls of hunger and thirst. Their dances in which they so much delight, and which to an European would be the most severe exercise, fully contradicted this, not to mention their fatiguing marches, and the toil they voluntarily and cheerfully undergo in their military expeditions. It is true, that when at home, they do not employ themselves in labor or the culture of the soil ; but this again is the effect of customs and manners, which have assigned that to the province of the women. But it is said, they are averse to society and a social life. Can anything be more inapplicable than this to a people who always live in towns or clans? Or can they be said to have no 'republic,' who conduct all their affairs in national councils, who pride themselves in their national character, who consider an insult or injury done to an individual by a stranger as done to the whole, and resent it accordingly? In short, this picture is not applicable to any nation of Indians I have ever known or heard of in North America."— *Charles Thomson in Appendix.*

In the edition of 1853 a footnote adds: "No writer equally with M. De Buffon, proves the power of eloquence and uncertainty of theories. He takes any hypothesis whatever, or its reverse, and furnishes explanations equally specious and persuasive. Thus in his xviii volume, wishing to explain why the largest animals are found in the torrid zone, he assumes heat as the efficient principle of the animal volume. Speaking of America, he says: "Le terre y est froide impuissante a produire les principes actifs, a developer les germes des plus grandes quadrupedes auxquels il faut, pour croitre et se multiplier, toute la chaleur toute l'activité que le soleil peut donner a la terre amoureuse." Page 156. "L'ardeur des hommes, et la grandeur des animaux dependent de la salubrité, et de la chaleur de l'air," *Ib.* 160. In his Epochs again when it is become convenient to his theory to consider the bones of the mammoth found in the coldest regions, as the bones of the elephant, and necessary to explain how the elephant there should have been six times as large as that of the torrid zone, it is cold which produces animal volume. 'Tout ce qu'il y a de colossal et de grand dans la nature, a eté formé dans les terres du Nord.' 1 Epoques, 255. 'C'est dans les regions de notre Nord que le nature vivante s'est elevee a ses plus grandes dimensions.' *Ib.*, 263."

[1] In connection with this, it is amusing to quote an anecdote told to Jefferson by Franklin, in Jefferson's own words: "The Doctor told me at Paris the

art, ou seule science.' 7. Hist. Philos. pa. 92, edn. Maestricht, 1774. 'America has not yet produced one good poet.' When we shall have existed as a people as long as the Greeks did before they produced a Homer, the Romans a Virgil, the French a Racine and Voltaire, the English a Shakespeare and Milton, should this reproach be still true, we will inquire from what unfriendly causes it has proceeded, that the other countries of Europe and quarters of the earth shall not have inscribed any name in the roll of poets.[1] But neither has America produced 'one able mathematician, one man of genius in a single art or a single science.' In war we have produced a Washington, whose memory will be adored while [120] liberty shall have votaries, whose name will triumph over time, and will in future ages assume its just station among the most celebrated worthies of the world, when that wretched philosophy shall be forgotten which would have arranged him among the degeneracies of nature. In Physics we have produced a Franklin, than whom no one of the present age has made more important discoveries, nor has enriched philosophy with more, or more ingenious solutions of the phænomena of

. . . following . . . of the Abbé Raynal. He had a party to dine with him one day at Passy, of whom one half were Americans, the other half French, and among the last was the Abbé. During the dinner he got on his favorite theory of the degeneracy of animals, and even of man, in America, and urged it with his usual eloquence. The Doctor at length noticing the accidental stature and position of his guests, at table, 'Come,' sayd he, 'M. L'Abbé, let us try this question by the fact before us. We are here one half Americans, and one half French, and it happens that the Americans have placed themselves on one side of the table, and our French friends are on the other. Let both parties rise, and we will see on which side nature has degenerated.' It happened that his American guests were Carmichael, Harmer, Humphreys, and others of the finest stature and form ; while those of the other side were remarkably diminutive, and the Abbé himself particularly, was a mere shrimp. He parried the appeal, however, by a complimentary admission of exceptions, among which the Doctor himself was a conspicuous one."

[1] Has the world as yet produced more than two poets, acknowledged to be such by all nations ? An Englishman only reads Milton with delight, an Italian, Tasso, a Frenchman the Henriade ; a Portuguese, Camoens ; but Homer and Virgil have been the rapture of every age and nation ; they are read with enthusiasm in their originals by those who can read the originals, and in translations by those who cannot.—*T. J.*

nature. We have supposed Mr. Rittenhouse second to no astronomer living; that in genius he must be the first, because he is self taught. As an artist he has exhibited as great a proof of mechanical genius as the world has ever produced. He has not indeed made a world; but he has by imitation approached nearer its Maker than any man who has lived from the creation to this day.[1] As in philosophy and war, [121] so in government, in oratory, in painting, in the plastic art, we might show that America, though but a child of yesterday, has already given hopeful proofs of genius, as well as of the nobler kinds, which arouse the best feelings of man, which call him into action, which substantiate his freedom, and conduct him to happiness, as of the subordinate, which serve to amuse him only. We therefore suppose, that this reproach is as unjust as it is unkind: and that, of the geniuses which adorn the present age, America contributes its full share. For comparing it with those countries where genius is most cultivated, where are the most excellent models for art, and scaffoldings for the attainment of science, as France and England for instance, we calculate thus. The United States contains three millions of inhabitants; France twenty millions; and the British islands ten. We produce a Washington, a Franklin, a Rittenhouse. France then should have half a dozen in each of these lines, and Great Britain half that number, equally eminent. It may be true that France has: we are but just becoming acquainted with her, and our acquaintance [122] so far gives us high ideas of the genius of her inhabitants. It would be injuring too many of them to name particularly a Voltaire, a Buffon, the constellation of Encyclopedists, the Abbé Raynal himself, &c. &c. We therefore have reason to believe she can produce her full quota of genius. The present war having so long cut off all communication with Great Britain, we are not

[1] There are various ways of keeping truth out of sight. Mr. Rittenhouse's model of the planetary system has the plagiary appellation of an Orrery; and the quadrant invented by Godfrey, an American also, and with the aid of which the European nations traverse the globe, is called Hadley's quadrant.— *T. J.*

In the edition of 1853 an addition is made to this note as follows: "Huyghens gave the first description of an instrument of the former kind, under the name of Automatom Planetarium.—2 Montucla, 485."

able to make a fair estimate of the state of science in that country. The spirit in which she wages war, is the only sample before our eyes, and that does not seem the legitimate offspring either of science or of civilization. The sun of her glory is fast descending to the horizon. Her Philosophy has crossed the channel, her freedom the Atlantic, and herself seems passing to that awful dissolution whose issue is not given human foresight to scan.[1] [123]

Having given a sketch of our minerals, vegetables, and quadrupeds, and being led by a proud theory to make a comparison of the latter with those of Europe, and to ex- [124] tend it to the Man of America, both aboriginal and emigrant, I will proceed to the remaining articles comprehended under the present query.

Between ninety and an hundred of our birds have been described by Catesby. His drawings are better as to form and attitude than coloring, which is generally too high. They are the following: [125]

[1] In a later edition of the Abbé Raynal's work, he has withdrawn his censure from that part of the new world inhabited by the Federo-Americans; but has left it still on the other parts. North America has always been more accessible to strangers than South. If he was mistaken then as to the former, he may be so as to the latter. The glimmerings which reach us from South America enable us to see that its inhabitants are held under the accumulated pressure of slavery, superstition and ignorance. Whenever they shall be able to rise under this weight, and to show themselves to the rest of the world, they will probably show they are like the rest of the world. We have not yet sufficient evidence that there are more lakes and fogs in South America than in other parts of the earth. As little do we know what would be their operation on the mind of man. That country has been visited by Spaniards and Portuguese chiefly, and almost exclusively. These, going from a country of the old world remarkably dry in its soil and climate, fancied there were more lakes and fogs in South America than in Europe. An inhabitant of Ireland, Sweden, or Finland would have formed the contrary opinion. Had South America then been discovered and seated [sic] by a people from a fenny country, it would probably have been represented as much dryer than the old world. A patient pursuit of facts, and cautious combination and comparison of them, is the drudgery to which man is subjected by his Maker, if he wishes to attain sure knowledge.—*T. J.*

Linnæan Designation.	Catesby's Designation.		Popular Name.	Buffon[1] oiseaux.
Lanius tyrannus	Muscicapa coronâ rubrâ	I.55	Tyrant. Field martin	8.398
Vultur aura	Buteo specie Gallo-pavonis	I. 6	Turkey buzzard	1.246
Falco leucocephalus	Aquila capite albo	I. 1	Bald eagle	1.138
Falco sparverius	Accipiter minor	I. 5	Little hawk. Sparrow hawk	
Falco columbarious	Accipiter palumbarius	I. 3	Pigeon hawk	1.338
Falco furcatus	Accipiter caudâ furcatâ	I. 4	Forked tail hawk	1.286.312
	Accipiter piscatorius	I. 2	Fishing hawk	1.199
Strix asio	Noctua aurita minor	I. 7	Little owl	1.141
Psittacus Caroliniensis	Psittacus Caroliniensus	I.11	Parrot of Carolina. Parroquet	11.383
Corvus cristatus	Pica glandaria, cærulea, cristata	I.15	Blue jay	5.164
Oriolus Baltimore	Icterus ex aureo nigroque varius	I.48	Baltimore bird	5.318
Oriolus spurius	Icterus minor	I.49	Bastard Baltimore	5.321
Gracula quiscula	Monedula purpurea	I.12	Purple jackdaw. Crow blackbird	5.134
Cuculus Americanus	Cuculus Caroliniensis	I. 9	Carolina cuckow	12.62
Picus principalis	Picus maximus rostro albo	I.16	White bill woodpecker	13.69
Picus pileatus	Picus niger maximus, capite rubro	I.17	Larger red-crested woodpecker	13.72
Picus erythrocephalus	Picus capite toto rubro	I.20	Red-headed woodpecker	13.83
Picus auratus	Picus major alis aureis	I.18	Gold-winged woodpecker. Yucker. [126]	13.59
Picus Carolinus	Picus ventre rubro	I.19	Red-bellied woodpecker	13.105
Picus pubescens	Picus varius minimus	I.21	Smallest spotted woodpecker	13.113
Picus villosus	Picus medius quasi-villosus	I.19	Hairy woodpecker. Spec. woodpecker	13.111
Picus varius	Picus varius minor ventre luteo	I.21	Yellow-bellied woodpecker	13.115
Sitta Europæa	Sitta capite nigro	I.22	Nuthatch	10.213
	Sitta capite fusco	I.22	Small Nuthatch	10.214
Alcedo alcyon	Ispida	I.69	Kingfisher	13.310
Certhia pinus	Parus Americanus lutescens	I.61	Pine-Creeper	9.433
Trochilus colubris	Mellivora avis Caroliniensis	I.65	Humming bird	11.16
Anas Canadensis	Anser Canadensis	I.92	Wild goose	17.122
Anas bucephala	Anas minor purpureo capite	I.95	Buffel's-head duck	17.356
Anas rustica	Anas minor ex albo & fusco vario	I.98	Little brown duck	17.413
Anas discors. δ	Querquedula Americana variegata	I.10	White face teal	17.403

[1] This column of references to Buffon was first given in the edition of 1787.

Linnæan Designation.	Catesby's Designation.		Popular Name.	Buffon oiseaux.
Anas discors. δ	Querquedula Americana fusca	1.99	Blue wing teal	17.405
Anas sponsa	Anas Americanus cristatus elegans	1.97	Summer duck	17.351
	Anas Americanus lato rostro	1.96	Blue wing shoveler	17.275
Mergus cucullatus	Anas cristatus	1.94	Round crested duck	15.437
Columbus podiceps	Prodicipes minor rostro vario	1.91	Pied bill dopchick	15.383
Ardea Herodias	Ardea cristata maxima Americana	3.10	Largest crested heron	14.113
Ardea violacea	Ardea stellaris cristata Americana	1.79	Crested bittern	14.134
Ardea cærulea	Ardea cærulea	1.76	Blue heron. Crane [127]	14.131
Ardea virescens	Ardea stellaris minima	1.80	Small bittern	14.142
Ardea æquinoctialis	Ardea alba minor Caroliniensis	1.77	Little white heron	14.136
	Ardea stellaris Americana	1.78	Brown bittern. Indian hen	14.175
Tantalus loculator	Pelicanus Americanus	1.81	Wood pelican	13.403
Tantalus alber	Numenius albus	1.82	White curlew	15.62
Tantalus fuscus	Numenius fuscus	1.83	Brown curlew	15.64
Charadrius vociferus	Pluvialis vociferus	1.71	Chattering plover. Kildee	15.151
Hæmatopus ostralegus	Hæmatopus	1.85	Oyster-catcher	15.185
Rallus Virginianus	Gallinula Americana	1.70	Soree. Ral-bird	15.256
Meleagris Gallopavo[1]	Gallopava Sylvestris	xliv.	Wild Turkey	3.187.229
Tetrao Virginianus	Perdix Sylvestris Virginiana	3.12	American partridge. American quail	4.237
	Urgallus minor, or kind of Lagopus[2]	3. 1	Pheasant. Mountain partridge	3.409
Columba passerina	Turtur minimus guttatus	1.26	Ground dove	4.404
Columba migratorio	Palumbus migratorius	1.23	Pigeon of passage. Wild pigeon	4.351
Columba Caroliniensis	Turtur Caroliniensis	1.24	Turtle. Turtle dove	4.401
Alauda alpestris	Alauda gutture flavo	1.32	Lark. Sky lark	9.79
Alauda magna	Alauda magna	1.33	Field lark. Large lark	6.59
	Sturnus niger allis superné rubentibus	1.13	Red-wing. Starling. Marsh blackbird	5.293
Turdus migratorius	Turdus pilaris migratorius	1.29	Fieldfare of Carolina. Robin redbreast	5.426 / 9.257
Turdus rufus	Turdus rufus	1.28	Fox-colored thrush. Thrush	5.449
Turdus polyglottos[3]	Turdus minor cinereo albus non maculatus	1.27	Mocking bird [128]	5.451

[1] "1 Clavigero, 85."—*Footnote in edition of 1853.*

[2] "The Pheasant is rarely or not at all found beyond North Carolina. The Grouse is first seen in the upper parts of Maryland, in Pennsylvania, and in the country north of Ohio, and thence northwardly.—[Capt. Mer. Lewis.]"—*Footnote in edition of 1853.*

[3] "Clavigero says that in Mexico 'vi sono i rinomati virignoli,'—1., 88."—*Footnote in edition of 1853.*

Linnæan Designation.	Catesby's Designation.		Popular Name.	Buffon oiseaux.
	Turdus minimus	1.31	Little thrush	5.400
Ampelis garrulus, β	Garrulus Caroliniensis	1.46	Chatterer	6.162
Loxia Cardinalis	Coccothraustes rubra	1.38	Red bird. Virginia nightingale	6.185
Loxia Cærulea	Coccothraustes cærulea	1.39	Blue gross beak	8.125
Emberiza hyemalis	Passer nivalis	1.36	Snow bird	8.47
Emberiza Oryzivora	Hortulanus Caroliniensis	1.14	Rice bird	8.49
Emberiza Ciris	Fringilla tricolor	1.44	Painted finch	7.247
Tanagra cyanea	Linaria cærulea	1.45	Blue linnet	7.122
	Passerculus	1.35	Little sparrow	7.120
	Passer fuscus	1.34	Cowpen bird	7.196
Fringilla erythrophthalma	Passer niger oculis rubris	1.34	Towhe bird	7.201
Fringilla tristis	Carduelis Americanus	1.43	American goldfinch. Lettuce bird	7.297
	Fringilla purpurea	1.41	Purple finch	8.129
Muscicapa crinita	Muscicapa cristata ventre luteo	1.52	Crested flycatcher	8.379
Muscicapa rubra	Muscicapa rubra	1.56	Summer red bird	8.410
Muscicapa ruticilla	Ruticilla Americana	1.67	Red start	8.349 / 9.259
Muscicapa Caroliniensis	Muscicapa vertice nigro	1.66	Cat bird	8.372
	Muscicapa nigrescens	1.53	Black cap flycatcher.	8.341
	Muscicapa fusca	1.54	Little brown flycatcher	8.344
	Muscicapa oculis rubris	1.54	Red-eyed flycatcher	8.337
Motacilla Sialis	Rubicula Americana cærulea	1.47	Blue bird [129][1]	9.308
Motacilla trochilus, β	Oenanthe Americana pectore luteo	1.50	Yellow breasted chat	6.96
Parus bicolor	Parus cristatus	1.57	Crested titmouse	10.181
Parus Americanus	Parus fringillaris	1.64	Finch creeper	9.442
Parus Virginianus	Parus uropygeo luteo	1.58	Yellow rump	10.184
	Parus cucullo nigro	1.60	Hooded titmouse	10.183
	Parus Americanus gutture luteo	1.62	Yellow throated creeper	
	Parus Caroliniensis	1.63	Yellow titmouse	9.431
Hirundo Pelasgia	Hirundo cauda aculeata Americana	4. 8	American swallow	12.478
Hirundo purpurea	Hirundo purpurea	1.51	Purple marten, House marten	12.445
Caprimulgus Europæus, α	Caprimulgus	1. 8	Goatsucker. Great bat	12.243
Caprimulgus Europæus, β	Caprimulgus minor Americanus	3.16	Whip poor Will [130]	12.246

[1] In the edition of 1787 is here inserted: "Motacilla regulus | Regulus cristatu 3.13 | Wren. 1058."

Besides these we have,

The Royston crow. Corvus cornix.
Crane. Ardea Canadensis.
House swallow. Hirundo rustica.
Ground swallow. Hirundo riparia.
Greatest gray eagle.
Smaller turkey buzzard, with a feathered head.
Greatest owl, or night hawk.
Wet hawk, which feeds flying.
Raven.
Water Pelican of the Mississippi, whose pouch holds a peck.
Swan.
Loon.
Cormorant.
Duck and mallard.
Widgeon.
Sheldrach, or Canvas back.
The Black head.
Ballcoot.[1]
Sprigtail.
Didapper, or dopchick.
Spoon-billed duck.
Water-witch.
Water-pheasant.
Mow-bird.
Blue Peter.
Water-Wagtail.
Yellow-legged Snipe.
Squatting Snipe.
Small Plover.
Whistling Plover.
Woodcock.
Red bird, with black head, wings and tail.
Wren.[2]

And doubtless many others which have not yet been described and classed.

To this catalogue of our indigenous animals, I will add a short account of an anomaly of nature, taking place sometimes in the race of negroes brought from Africa, who, though black themselves, have, in rare instances, white children, called Albinos. I have known four of these myself, and have faithful accounts of three others. The cir-[131] cumstances in which all the individuals agree are these. They are of a pallid cadaverous white, untinged with red, without any colored spots or seams; their hair of the same kind of white, short, coarse, and curled as is that of the negro; all of them well formed, strong, healthy, perfect in their senses, except that of sight, and born of parents who had no mixture of white blood. Three of these Albinos were sisters, having two other full sisters, who were black. The youngest of the three was killed by lightning, at twelve years of age. The eldest died at about 27 years of age, in child-bed, with her second

[1] In the edition of 1853 is a footnote: "The Bald Coot or Coot, is the Fulica of Linnæus, and the Foulque of the Encyclop. Meth. differing from the description of the latter only in the color of its feet and legs, which are olive green, without any circle of red, and that of the bill a faint carnation, brown at the point, and the membrane on the forehead of a very dark purple. It is distinguished from the Gallinula chloropis, Poule d'eau, Water-hen, Hydro-gallina, chiefly by the festooned web bordering the toes."

[2] "Wren" is struck out in edition of 1787.

child. The middle one is now alive, in health, and has issue, as the eldest had, by a black man, whose[1] issue was black. They are uncommonly shrewd, quick in their apprehensions and in reply. Their eyes are in a perpetual tremulous vibration, very weak, and much affected by the sun ; but they see better in the night than we do. They are of the property of Col. Skipwith, of Cumberland. The fourth is a negro woman, whose parents came from Guinea, and had three other children, who were of their own color. She is freckled, her eyesight so weak that she is obliged [132] to wear a bonnet in the summer ; but it is better in the night than day. She had an Albino child by a black man. It died at the age of a few weeks. These were the property of Col. Carter of Albemarle. A sixth instance is a woman of the property of a Mr. Butler, near Petersburg. She is stout and robust, has issue a daughter, jet black, by a black man. I am not informed as to her eyesight. The seventh instance is of a male belonging to a Mr. Lee of Cumberland. His eyes are tremulous and weak. He is tall of stature, and now advanced in years. He is the only male of the Albinos which have come within my information. Whatever be the cause of the disease in the skin, or in its coloring matter, which produces this change, it seems more incident to the female than male sex. To these I may add the mention of a negro man within my own knowledge, born black, of black parents ; on whose chin, when a boy, a white spot appeared. This continued to increase till he became a man, by which time it had extended over his chin, lips, one cheek, the under jaw, and neck on that side. It is of the Albino white, without any mixture of red, [133] and has for several years been stationary. He is robust and healthy, and the change of color was not accompanied with any sensible disease, either general or topical.

Of our fish and insects there has been nothing like a full description or collection. More of them are described in Catesby than in any other work. Many also are to be found in Sir Hans Sloane's Jamaica, as being common to that and this country. The honey-bee is not a native of our continent. Marcgrave, indeed,

[1] Altered to "which" in edition of 1787.

mentions a species of honey-bee in Brazil.[1] But this has no sting, and is therefore different from the one we have, which resembles perfectly that of Europe. The Indians concur with us in the tradition that it was brought from Europe ; but when, and by whom, we know not. The bees have generally extended themselves into the country, a little in advance of the white settlers.[2] The Indians, therefore, call them the white man's fly, and consider their approach as indicating the approach of the settlements of the whites. A question here occurs, How far northwardly have these insects been found ? That they are unknown in Lapland, I infer from Scheffer's information, that the Lapland- [134] ers eat the pine bark, prepared in a certain way, instead of those things sweetened with sugar. "Hoc comedunt pro rebus saccharo conditis." Scheff. Lapp. chap. 18. Certainly if they had honey, it would be a better substitute for sugar than any preparation of the pine bark. Kalm tells us[3] the honey-bee cannot live through the winter in Canada. They furnish then an additional remarkable fact first observed by the Count de Buffon, and which has thrown such a blaze of light on the field of natural history, that no animals are found in both continents, but those which are able to bear the cold of those regions where they probably join.[4]

[1] In the edition of 1853 is a footnote: "See Herrera, Dec. 1, l. 10, c. s. 'Descubierta Yucatan, se hallò abundania de cera y miel.' And ib. c. 9. 'Ay abispas y abexas, como las de Castilla, aunque estas son menores, y pican con mas furia.'—Ib. Dec. 2, l. 3, c. i."

[2] In the edition of 1853 is a footnote: "See 1 Clavigero, 107. 'En los terminos de Guayaquil ay abejas, que enxambran y criam miel en el hucco de los arboles son poco mayores que moscas, la cera y miel que labran es rubia y aunque tiene buengusto no es tal como el de Castilla.' Herr. 5, 10, 10."

[3] I. 126.—*T. J.*

[4] An additional paragraph is added in the edition of 1853, stating: "We have it from the Indians also that the common domestic fly is not originally of America, but came with the whites from Europe." To this is subjoined the following footnote: "We have the same account from South America. Condamine in his Voyage de la riviere Amazones, pa. 95, says: 'Divers Indiens ont rapporté qu'ils avoient vu sur les bords de la riviere de Coari dans la haut des terres, un pays decouvert, des mouches et quantité de betes à cornes, objects nouveaux pour eux, et qui prouvent que les sources deces rivieres arrosent des pays voisins des colonies Espagnoles de haut Perou.'"

QUERY VII.

A notice of all what can increase the progress of Human Knowledge?

Under the latitude of this query, I will presume it not improper nor unacceptable to furnish some data for estimating the climate of Virginia. Journals of observations on the quantity of rain, and degree of heat, being lengthy, confused, and too minute to [135] produce general and distinct ideas, I have taken five years' observations, to wit, from 1772 to 1777, made in Williamsburg and its neighborhood, have reduced them to an average for every month in the year, and stated those averages in the following table, adding an Analytical view of the winds during the same period. [136]

	Fall of rain, etc., in inches.	Least and greatest daily heat, by Fahrenheit's thermometer.	WINDS.								
			N.	N.E.	E.	S.E.	S.	S.W.	W.	N.W.	Total.
Jan....	3.192	$38\frac{1}{2}$ to 44	73	47	32	10	11	78	40	46	337
Feb...	2.049	41 .. $47\frac{1}{2}$	61	52	24	11	4	63	30	31	276
March	3.95	48 .. $54\frac{1}{2}$	49	44	38	28	14	83	29	33	318
April..	3.68	56 .. $62\frac{1}{2}$	35	44	54	19	9	58	18	20	257
May ..	2.871	63 .. $70\frac{1}{2}$	27	36	62	23	7	74	32	20	281
June...	3.751	$71\frac{1}{2}$ .. $78\frac{1}{4}$	22	34	43	24	13	81	25	25	267
July..	4.497	77 .. $82\frac{1}{2}$	41	44	75	15	7	95	32	19	328
August	9.153	$76\frac{1}{2}$ .. 81	43	52	40	30	9	103	27	30	334
Sept...	4.761	$69\frac{1}{2}$ .. $74\frac{1}{4}$	70	60	51	18	10	81	18	37	345
Oct....	3.633	$61\frac{1}{4}$ .. $66\frac{1}{2}$	52	77	64	15	6	56	23	34	327
Nov...	2.617	$47\frac{3}{4}$ .. $53\frac{1}{2}$	74	21	20	14	9	63	35	58	294
Dec. ..	2.877	43 .. $48\frac{3}{4}$	64	37	18	16	10	91	42	56	334
Total.	47.038	8 A.M. to 4 P.M.	611	548	521	223	109	926	351	409	3,698

[1] [137]

[1] In the edition of 1853 the following additional matter is here inserted:

[Supposed to have been made at Monticello.]

1789	Oct'r 1	Ice	Snow Birds	Spoiled tobacco on the scaffold.
1792	Sep. 21	None	None	Tobacco destroyed totally out of green belt.
1808	Sep. 27	None	None	Tobacco, except in green belt, untouched.
1816	Oct'r 7	thin ice	Snow Birds	Late corn spoiled; all safe in green belt.
1823	Sep. 29	None	None	Green belt unaffected; pumpkin vine frozen.

In the month of August, 1801, I carefully examined the temperature of my

The rains of every month, (as of January, for instance,) through the whole period of years, were added separately, and an average drawn from them. The coolest and warmest point of the same day in each year of the period, were added separately, and an average of the greatest cold and greatest heat of that day was formed. From the averages of every day in the month, a general average was formed. The point from which the wind blew, was observed two or three times in every day. These observations, in the month of January, for instance, through the whole period, amounted to 337. At 73 of these, the wind was from the North ; 47 from the North-east, &c. So that it will be easy to see in what proportion each wind usually prevails in each month ; or, taking the whole year, the total of observations through the whole period having been 3,698, it will be observed that 611 of them were from the North, 558 from the North-east, &c.

Though by this table it appears we have on an average 47 inches of rain annually, which is considerably more than usually falls in Europe, yet from the information I [138] have collected, I suppose we have a much greater proportion of sunshine here than there. Perhaps it will be found, there are [1] twice as many cloudy days in the middle parts of Europe, as in the United States of America. I mention the middle parts of Europe, because my information does not extend to its northern or southern parts.

In an extensive country, it will of course be expected that the climate is not the same in all its parts. It is remarkable, that

well water in the District of Maine, and found it at 52 degrees of Fahrenheit's thermometer.

The depth of the well is 28 feet ; the depth of the water at this time was 4 feet ; the latitude of the place is 44 22 North ; longitude about 69 40 W.

In September, 1802, I examined with the same instrument, and with equal care, the temperature of the well water, where I live, on the Capitol hill, and found it at 59° of Fahrenheit. This well is upwards of 40 feet in depth, and had at the time about 7 or 8 feet of water.

My well, in Maine, is an open draw well, without a pump ; the well on the Capitol hill has a pump, and is close covered.

The temperature of the water of Kennebeck river, the latter part of August, was 72½ by Fahrenheit.

H. Dearborn.

[1] See a Note at the end of the Work. — *T. J.*

proceeding on the same parallel of latitude westwardly, the climate becomes colder in like manner as when you proceed northwardly This continues to be the case till you attain the summit of the Alleghaney, which is the highest land between the ocean and the Missisipi. From thence, descending in the same latitude to the Missisipi, the change reverses; and, if we may believe travellers, it becomes warmer there than it is in the same latitude on the sea-side. Their testimony is strengthened by the vegetables and animals which [139] subsist and multiply there naturally, and do not on the sea-coast. Thus Catalpas grow spontaneously on the Missisipi, as far as the latitude of 37°, and reeds as far as 38°. Perroquets even winter on the Sioto, in the 39th degree of latitude. In the summer of 1779, when the thermometer was at 90°. at Monticello, and 96°. at Williamsburg, it was 110° at Kaskaskia. Perhaps the mountain, which overhangs this village on the North side, may, by its reflection, have contributed somewhat to produce this heat. The difference of temperature of the air at the sea coast, or on the Chesapeak bay, and at the Alleghaney, has not been ascertained; but contemporary observations, made at Williamsburg, or in its neighborhood, and at Monticello, which is on the most eastern ridge of the mountains, called the South West, where they are intersected by the Rivanna, have furnished a ratio by which that difference may in some degree be conjectured. These observations make the difference between Williamsburg and the nearest mountains, at the position before mentioned, to be on an average $6\frac{1}{8}$°. of Farenheit's thermometer. Some allowance, however, is to be made for the difference of [140] latitude between these two places, the latter being 38°.8′.17″. which is 52′.22″. North of the former. By contemporary observations of between five and six weeks, the averaged and almost unvaried difference of the height of mercury in the barometer, at those two places, was .784 of an inch, the atmosphere at Monticello being so much the lightest, that is to say, about $\frac{1}{37}$ of its whole weight. It should be observed, however, that the hill of Monticello is of 500 feet perpendicular height above the river which washes its base. This position being nearly central between our northern and southern boundaries, and between the bay and Alleghaney, may be considered as furnishing

the best average of the temperature of our climate. Williamsburgh is much too near the south-eastern corner to give a fair idea of our general temperature.

But a more remarkable difference is in the winds which prevail in the different parts of the country. The following table exhibits a comparative view of the winds prevailing at Williamsburg, and at Monticello. It is formed by reducing nine months observations at Monticello to four principal points, to wit, [141] the North-east, South-east, South-west, and North-west; these points being perpendicular to, or parallel with our coast, mountains and rivers; and by reducing in like manner, an equal number of observations, to wit, 421 from the preceding table of winds at Williamsburg, taking them proportionably from every point:

	N.E.	S.E.	S.W.	N.W.	Total.
Williamsburg	127	61	132	101	421
Monticello	32	91	126	172	421

By this it may be seen that the South-west wind prevails equally at both places; that the North-east is, next to this, the principal wind towards the sea coast, and the North-west is the predominant wind at the mountains. The difference between these two winds to sensation, and in fact, is very great. The North-east is loaded with vapour, insomuch, that the salt-makers have found that their crystals would not shoot while that blows; it brings a distressing chill, and is heavy and oppressive to the spirits. The North-west is dry, cooling, elastic, and animating. The Eastern and South-eastern breezes come on generally in the Afternoon. They have ad- [142] vanced into the country very sensibly within the memory of people now living. They formerly did not penetrate far above Williamsburg. They are now frequent at Richmond, and every now and then reach the mountains. They deposit most of their moisture, however, before they get that far. As the lands become more cleared, it is probable they will extend still further westward.

Going out into the open air, in the temperate, and warm months of the year, we often meet with bodies of warm air, which passing by us in two or three seconds, do not afford time to the most sensible thermometer to seize their temperature. Judging from my

feelings only, I think they approach the ordinary heat of the human body. Some of them, perhaps, go a little beyond it. They are of about 20 to 30 feet diameter horizontally. Of their height we have no experience, but probably they are globular volumes wafted or rolled along with the wind. But whence taken, where found, or how generated? They are not to be ascribed to volcanos, because we have none. They do not happen in the winter when the farmers kindle large fires in clearing up their grounds. [143] They are not confined to the spring season, when we have fires which traverse whole countries, consuming the leaves which have fallen from the trees. And they are too frequent and general to be ascribed to accidental fires. I am persuaded their cause must be sought for in the atmosphere itself, to aid us in which I know but of these constant circumstances: a dry air; a temperature as warm, at least, as that of the spring or autumn; and a moderate current of wind. They are most frequent about sun-set; rare in the middle parts of the day; and I do not recollect having ever met with them in the morning.

The variation in the weight of our atmosphere, as indicated by the barometer, is not equal to two inches of mercury. During twelve months' observation at Williamsburg, the extremes were 29, and 30.86 inches, the difference being 1.86 of an inch; and in nine months, during which the height of the mercury was noted at Monticello, the extremes were 28.48 and 29.69 inches, the variation being 1.21 of an inch. A gentleman, who has observed his barometer many years, assures me it has never varied two inches. Cotemporary observations made at Monticello and Williams- [144] burg, proved the variations in the weight of air to be simultaneous and corresponding in these two places.

Our changes from heat to cold, and cold to heat, are very sudden and great. The mercury in Farenheit's thermometer has been known to descend from 92°. to 47°. in thirteen hours.[1]

It was taken for granted, that the preceding table of averaged heat will not give a false idea on this subject, as it proposes to

[1] In the edition of 1853 is added: "and in a single and most remarkable instance, on the 4th of July, 1793, in Orange county, it fell from 84 to 74 in ten minutes."

state only the ordinary heat and cold of each month, and not those which are extraordinary. At Williamsburg, in August 1766, the mercury in Farenheit's thermometer was at 98°. corresponding with 29⅓ of Reaumur. At the same place in January 1780, it was 6°. corresponding with 11½ below 0. of Reaumur. I believe[1] these may be considered to be nearly the extremes of heat and cold [145] in that part of the country. The latter may most certainly, as that time York river, at Yorktown, was frozen over, so that people walked across it; a circumstance which proves it to have been colder than the winter of 1740, 1741, usually called the cold winter, when York river did not freeze over at that place. In the same season of 1780, Chesapeak bay was solid, from its head to the mouth of Patowmac. At Annapolis, where it is 5¼ miles over between the nearest points of land, the ice was from five to seven inches thick quite across, so that loaded carriages went over on it. Those, our extremes of heat and cold, of 6°. and 98°. were indeed very distressing to us, and were thought to put the extent of the human constitution to considerable trial. Yet a Siberian would have considered them as scarcely a sensible variation. At Jenniseitz in that country, in latitude 58°.27′. we are told that the cold in 1735 sunk the mercury by Farenheit's scale to 126°. below nothing; and the inhabitants of the same country use stove rooms two or three times a week, in which they stay two hours at a time, the atmosphere of which raises the mercury to 135°. above nothing. [146] Late experiments shew that the human body will exist in rooms heated to 140°. of Reaumur, equal to 347°. of Farenheit's, and 135°. above boiling water.[2] The hottest point of the twenty-four hours is about four o'clock, P. M., and the dawn of day the coldest.

[1] At Paris, in 1753, the mercury in Reaumur's thermometer was at 30½ above 0., and in 1776, it was at 16 below 0. The extremities of heat and cold therefore at Paris, are greater than at Williamsburg, which is in the hottest part of Virginia.—*T. J.*

[2] In the edition of 1853 this footnote is added:

"The following observations on heat and cold, as they affect the animal body, may not be unacceptable to those who have not paid particular attention to the subject.

"The living body, (not like the dead one, which assumes the temperature of the surrounding atmosphere,) maintains within itself a steady heat of about 96°

The access of frost in autumn, and its recess in the spring, do not seem to depend merely on the degree of cold; much less on the air's being at the freezing point. White frosts are frequent when the thermometer is at 47°. have killed young plants of Indian corn at 48°. and have been known at 54°. Black frost, and even ice, have been produced at 38½°. which is 6½ degrees above the freez-

of Fahrenheit's thermometer, varying little with the ordinary variations of the atmosphere. This heat is principally supplied by respiration. The vital air, or oxygen of the atmospheric fluid inhaled, is separated by the lungs from the azotic and carbonic parts, and is absorbed by them; the caloric is disengaged, diffused through the mass of the body, and absorbed from the skin by the external air coming into contact with it. If the external air is of a high temperature, it does not take up the superfluous heat of the body fast enough, and we complain of too much heat; if it is very cold, it absorbs the heat too fast, and produces the sensation of cold. To remedy this, we interpose a covering, which acting as a strainer, lets less air come into contact with the body, and checks the escape of the vital heat. As the atmospheric air becomes colder, more or thicker coverings are used, till no more than the requisite portion of heat is conducted from the body. As it would be inconvenient in the day to be burthened with a mass of clothing entirely equivalent to great degrees of cold, we have resort to fires and warm rooms to correct the state of the atmosphere, as a supplement of our clothing. If we have not the opportunity, and the cold is excessive, the thinner parts as the ear, the nose, the fingers and toes lose heat till they freeze, and, if the cold be sufficient, the whole body is reduced in heat, till death ensues: as sailors experience who escape from shipwreck, in Winter storms, on desert shores, where no fire can be found.

"Of the substances we use for covering, linen seems the openest strainer for admission of air to the body, and the most copious conductor of heat from it; and is therefore considered as a cool clothing. Cotton obstructs still more the passage of both fluids, and wool more than cotton: it is called therefore a worse conductor of heat, and warmer clothing. Next to this are the furs, and the most impermeable of all for heat and air are feathers and down, and especially the down of the Eider duck.—(Anas mollissima.) Hence the insensibility to cold of the beasts with shaggy hair, or fine fur, and of the birds in proportion as they are provided with down and soft feathers: as the swan, goose, duck.

"Among the substances which, as being bad conductors of heat, foment and warm the animal body, are the leaves of the Espeletia Frailexon, a plant newly discovered by the great naturalist and traveller Baron Humboldt, on the mountains of South America, at the height of 2,450 toises above the sea. These leaves being furnished abundantly with a soft down, restore immediately to their due warmth the hands, feet, or other members benumbed with cold; and collected as a bed, protect from death the Indian benighted in those regions of extreme cold. The same scientific traveller, by analysis of the air, at different

ing point.[1] That other circumstances must be combined with this cold to produce frost, is evident from this also, on the higher parts of mountains, where it is absolutely colder than in the plains on which they stand, frosts do not appear so early by a considerable space of time in autumn, and go off sooner in the spring, than in the plains. I have known frosts so severe as to kill the hickory trees round about Monticello, and yet not injure the tender fruit blossoms then in bloom on the top and higher parts of the [147] mountain; and in the course of 40 years, during which it had been settled, there have been but two instances of a general loss of fruit on it; while in the circumjacent country, the fruit has escaped but twice in the last seven years. The plants of tobacco, which grow from the roots of those which have been cut off in the summer, are frequently green here at Christmas. This privilege against the frost is undoubtedly combined with the want of dew on the mountains. That the dew is very rare on their higher parts, I may say with certainty, from 12 years observations,[2] having scarcely ever, during that time, seen an unequivocal proof of its

heights on the mountain of Chimborazo which he ascended to the height of 3,036 toises, (546 toises higher than had ever been done by man before, and within 224 toises of its top) found that the oxygen being specifically heavier than the azotic part of the atmosphere, its proportion lessened in that ascent 27 or 28 to 19½ hundredth parts. The same circumstance had been before observed by Saussure, Pini and Rebout, on the high mountains of Europe, and must be among the principal causes of the degree in which the animal body is affected with cold in situations more or less elevated.

"In addition to the effect of vital air, as the vehicle of animal heat, we may note that it is also the immediate cause, or primum mobile of life. For, entering by respiration into the air-cells of the lungs, divided from those of the blood but by a thin membrane, it infuses through that a stimulus into the blood, which, acting on the irritable fibres of the heart, excites mechanically the action and reaction of that muscle. By these the blood is propelled, and received again in a course of constant circulation and vital action communicated and maintained through all the system. Intercept vital air from the lungs, the action of the heart ceases for want of stimulus, the current of the blood, unaided, yields to the resistance of its channels, all the vital motions are suspended, the body becomes an inanimated lump of matter."

[1] "Musschenb. has seen ice produced at 41.°—2 Muss. 1, 507."—*Footnote in edition of 1853.*

[2] In the edition of 1853 this passage is altered from this point on to read: "having seldom during that time seen them at Monticello during Summer."

existence on them at all during summer. Severe frosts in the depth of winter prove that the region of dews extends higher in that season than the tops of the mountains ; but certainly, in the summer season, the vapors, by the time they attain that height, are become so attenuated as not to subside and form a dew when the sun retires.

The weavil has not yet ascended the high mountains.

A more satisfactory estimate of our climate to some, may perhaps be formed, by noting [148] the plants which grow here, subject, however, to be killed by our severest colds. These are the fig, pomegranate, artichoke, and European walnut. In mild winters, lettuce and endive require no shelter ; but, generally, they need a slight covering. I do not know that the want of long moss, reed, myrtle, swamp laurel, holly, and cypress, in the upper country proceeds from a greater degree of cold, nor that they were ever killed with any degree of cold, nor that they were ever killed with any degree of cold in the lower country. The aloe lived in Williamsburg, in the open air, through the severe winter of 1779, 1780.

A change in our climate, however, is taking place very sensibly. Both heats and colds are become much more moderate within the memory even of the middle-aged. Snows are less frequent and less deep. They do not often lie, below the mountains, more than one, two, or three days, and very rarely a week. They are remembered to have been formerly frequent, deep, and of long continuance. The elderly inform me, the earth used to be covered with snow about three months in every year. The rivers, which then seldom failed to freeze over in the course of the winter, scarcely ever do so now. This [149] change has produced an unfortunate fluctuation between heat and cold, in the spring of the year, which is very fatal to fruits. From the year 1741 to 1769, an interval of twenty-eight years, there was no instance of fruit killed by the frost in the neighborhood of Monticello. An intense cold, produced by constant snows, kept the buds locked up till the sun could obtain, in the spring of the year, so fixed an ascendancy as to dissolve those snows, and protect the buds, during their development, from every danger of returning cold. The accumulated snows of the winter remaining to be dissolved all

together in the spring, produced those overflowings of our rivers, so frequent then, and so rare now.

Having had occasion to mention the particular situation of Monticello for other purposes, I will just take notice that its elevation affords an opportunity of seeing a phænomenon which is rare at land, though frequent at sea. The seamen call it *looming*. Philosophy is as yet in the rear of the seamen, for so far from having accounted for it, she has not given it a name. Its principal effect is to make distant objects appear [150] larger, in opposition to the general law of vision, by which they are diminished.[1] I knew an instance, at Yorktown, from whence the water prospect eastwardly is without termination, wherein a canoe with three men, at a great distance was taken for a ship with its three masts. I am little acquainted with the phenomenon as it shows itself at sea; but at Monticello it is familiar. There is a solitary mountain about 40 miles off in the South, whose natural shape, as presented to view there, is a regular cone; but by the effect of looming, it sometimes subsides almost totally in the horizon; sometimes it rises more acute and more elevated; sometimes it is hemispherical; and sometimes its sides are perpendicular, its top flat, and as broad as its base. In short, it assumes at times the most whimsical shapes, and all these perhaps successively in the same morning. The Blue ridge of mountains comes into view, in the North East at about 100 miles distance, and approaching in a direct line, passes by within 20 miles, and goes off to the South-West. This phænomenon begins to shew itself on these mountains, at about fifty miles distance, and continues beyond that as far as [151] they are seen. I remark no particular state, either in the weight, moisture, or heat of the atmosphere, necessary to produce this. The only constant circumstances are its appearance in the morning only, and on objects at least 40 or 50 miles distant. In this latter circumstance, if not in both, it differs from the looming on the water. Refraction will not account for the metamor-

[1] "Dr. Shaw in his physical observations on Syria, speaking of the easterly winds, called by seamen Leventers, says 'We are likewise to observe further with regard to these strong easterly winds, that vessels, or any other objects which are seen at a distance appear to be vastly magnified, or loom, according to the mariners expression.'—Shaw's travels, 362."—*Footnote in edition of 1853.*

phosis. That only changes the proportions of length and breadth, base and altitude, preserving the general outlines. Thus it may make a circle appear elliptical, raise or depress a cone, but by none of its laws, as yet developed, will it make a circle appear a square, or a cone a sphere.

QUERY VIII.

The number of its inhabitants?

The following table shows the number of persons imported for the establishment of our colony in its infant state, and the census of inhabitants at different periods, extracted from our historians

Years.	Settlers Imported.	Census of Inhabitants.	Census of Tythes.
1607	100	.....	.....
..	.....	40	.....
..	120	.....	.....
1608	.....	130	.....
..	70	.....	.....
1609	.....	490	.....
..	16	.....	.....
..	.....	60	.....
1610	150	.....	.....
..	.....	200	.....
1611	3 ship loads.	.....	.....
..	300	.....	.....
1612	80	.....	.....
1617	.....	400	.....
1618	200	.....	.....
..	40	.....	.....
..	.....	600	.....
1619	1,216	.....	....
1621	1,300	.....	.....
1622	.....	3,800	.....
..	.....	2,500	.....
1628	.....	3,000	.....
1632	.....	.....	2,000
1644	.....	.....	4,822
1645	.....	.....	5,000
1652	.....	.....	7,000
1654	.....	.....	7,209
1700	.....	.....	22,000
1748	.....	.....	82,100
1759	.....	.....	105,000
1772	.....	.....	153,000
1782	.....	567,614	.....

and public records, as particularly as I have had opportunities and leisure to exa- [152] mine them. Successive lines in the same year show successive periods of time in that year.[1] I have stated the

[1] In the edition of 1853 is added at this point :

" 1756 173,316 inhabitants.
1764 250,000
1774 300,000

[See Boston Patriot, Sept. 16, 1809]. Pownals authority quoted in J. Adams 17th letter."

census in 2 different columns, the whole inhabitants having been sometimes numbered, and sometimes the *tythes* only. This term, with us, includes the free males above 16 years of age, and slaves above that age of both sexes. A further examination of our records would render this his- [153] tory of our population much more satisfactory and perfect, by furnishing a greater number of intermediate terms. Those, however, which are here stated will enable us to calculate, with a considerable degree of precision, the rate at which we have increased. During the infancy of the colony, while numbers were small, wars, importations, and other accidental circumstances render the progression fluctuating and irregular. By the year 1654, however, it becomes tolerably uniform, importations having in a great measure ceased from the dissolution of the company, and the inhabitants become too numerous to be sensibly affected by Indian wars. Beginning at that period, therefore, we find that from thence to the year 1772, our tythes had increased from 7209 to 153000. The whole term being of 118 years, yields a duplication once in every 27¼ years. The intermediate enumerations taken in 1700, 1748, and 1759, furnish proofs of the uniformity of this progression. Should this rate of increase continue, we shall have between six and seven millions of inhabitants within 95 years. If we suppose our country to be [154] bounded, at some future day, by the meridian of the mouth of the Great Kanhaway, (within which it has been before conjectured, are 64,491 square miles) there will then be 100 inhabitants for every square mile, which is nearly the state population of the British islands.

Here I will beg leave to propose a doubt. The present desire of America is to produce rapid population by as great importations of foreigners as possible. But is this founded in good policy? The advantage proposed is the multiplication of numbers. Now let us suppose (for example only) that, in this state, we could double our numbers in one year by the importation of foreigners; and this is a greater accession than the most sanguine advocate for immigration has a right to expect. Then I say, beginning with a double stock, we shall attain any given degree of population only 27 years, and 3 months sooner than if we proceed on our single stock. If we propose four millions and a half as a

competent population for this state, we should be $54\frac{1}{2}$ years attaining it, could we at once double our numbers; and $81\frac{3}{4}$ years, [155] if we rely on natural propagation, as may be seen by the following table.

	Proceeding on our present stock.	Proceeding on a double stock.
1781	567,614	1,135,228
$1808\frac{1}{4}$	1,135,228	2,270,456
$1835\frac{1}{2}$	2,270,456	4,540,912
$1862\frac{3}{4}$	4,540,912	

In the first column are stated periods of $27\frac{1}{4}$ yeaers; in the second are our numbers at each period, as they will be if we proceed on our actual stock; and in the third are what they would be, at the same periods, were we to set out from the double of our present stock. I have taken the term of four million and a half of inhabitants for example's sake only. Yet I am persuaded it is a greater number than the country spoken of, considering how much inarable land it contains, can clothe and feed without a material change in the quality of their diet. But are there no inconveniences to be thrown into the scale against the advantage expected from a multiplication of numbers by the importation of foreigners? [156] It is for the happiness of those united in society to harmonize as much as possible in matters which they must of necessity transact together. Civil government being the sole object of forming societies, its administration must be conducted by common consent. Every species of government has its specific principles. Ours perhaps are more peculiar than those of any other in the universe. It is a composition of the freest principles of the English constitution, with others derived from natural right and natural reason. To these nothing can be more opposed than the maxims of absolute monarchies. Yet from such we are to expect the greatest number of emigrants. They will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us

the legislation. They will infuse into it [157] their spirit, warp and bias its directions, and render it a heterogeneous, incoherent, distracted mass. I may appeal to experience, during the present contest, for a verification of these conjectures. But, if they be not certain in event, are they not possible, are they not probable? Is it not safer to wait with patience 27 years and three months longer, for the attainment of any degree of population desired or expected? May not our government be more homogeneous, more peaceable, more durable? Suppose 20 millions of republican Americans thrown all of a sudden into France, what would be the condition of that kingdom? If it would be more turbulent, less happy, less strong, we may believe that the addition of half a million of foreigners to our present numbers would produce a similar effect here. If they come of themselves they are entitled to all the rights of citizenship; but I doubt the expediency of inviting them by extraordinary encouragements. I mean not that these doubts should be extended to the importation of useful artificers. The policy of that measure depends on very different considerations. Spare no expence in obtaining them. They [158] will after a while go to the plough and the hoe; but, in the mean time, they will teach us something we do not know. It is not so in agriculture. The indifferent state of that among us does not proceed from a want of knowledge merely; it is from our having such quantities of land to waste as we please. In Europe the object is to make the most of their land, labor being abundant; here it is to make the most of our labor, land being abundant.

It will be proper to explain how the numbers for the year 1782 have been obtained; as it was not from a perfect census of the inhabitants. It will at the same time develope the proportion between the free inhabitants and slaves. The following return of taxable articles for that year was given in.

53,289 free males above twenty-one years of age.
211,698 slaves of all ages and sexes.
23,766 not distinguished in the returns, but said to be tytheable slaves.
195,439 horses.
609,734 cattle.

5,126 wheels of riding-carriages.

191 taverns. [159]

There were no returns from the 8 counties of Lincoln, Jefferson, Fayette, Monongalia, Yohogania, Ohio, Northampton, and York. To find the number of slaves which should have been returned instead of the 23,766 titheables, we must mention that some observations on a former census had given reason to believe that the numbers above and below 16 years of age were equal. The double of this number, therefore, to wit, 47,532 must be added to 211,698, which will give us 259,230 slaves of all ages and sexes. To find the number of free inhabitants we must repeat the observation that those above and below 16 are nearly equal. But as the number 53,289 omits the males below 16 and 21 we must supply them from conjecture. On a former experiment it had appeared that about one-third of our militia, that is, of the males between 16 and 50, were unmarried. Knowing how early marriage takes place here, we shall not be far wrong in supposing that the unmarried part of our militia are those between 16 and 21. If there be young men who do not marry till after 21, there are many who marry [160] before that age. But as men above 50 were not included in the militia, we will suppose the unmarried, or those between 16 and 21, to be one-fourth of the whole number above 16, then we have the following calculation :

53,289 free males above 21 years of age.

17,763 free males between 16 and 21.

17,052 free males under 16.

142,104 free males of all ages.

284,208 free inhabitants of all ages.

259,230 slaves of all ages.

543,438 inhabitants, exclusive of the 8 counties from which were no returns. In these eight counties in the years 1779 and 1780, were 3,161 militia. Say then,

3,161 free males above the age of 16.

3,161 free males under 16.

6,322 free females.

12,644 free inhabitants in these 8 counties. To find the number of slaves, say, as 284,208 to 259,230, so is 12,644 to

11,532. Adding the third of these numbers to the first, and the fourth to the second, we have, [161]

296,852 free inhabitants.

270,762 slaves.

567,614 inhabitants of every age, sex and condition. But 296,852, the number of free inhabitants, are to 270,762, the number of slaves, nearly as 11 to 10. Under the mild treatment our slaves experience, and their wholesome, though coarse food, this blot in our country increases as fast, or faster than the whites. During the regal government we had at one time obtained a law which imposed such a duty on the importation of slaves as amounted nearly to a prohibition, when one inconsiderate assembly, placed under a peculiarity of circumstance, repealed the law. This repeal met a joyful sanction from the then sovereign, and no devices, no expedients, which could ever be attempted by subsequent assemblies, and they seldom met without attempting them, could succeed in getting the royal assent to a renewal of the duty. In the very first session held under the republican government, the assembly passed a law for the perpetual prohibition of the importation of slaves. This [162] will in some measure stop the increase of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature.[1]

QUERY IX.

The number and condition of the militia and regular troops, and their pay?

The following is a state of the militia, taken from returns of 1780 and 1781, except in those counties marked with an asterisk, the returns from which are somewhat older. [162]

[1] "The first settlement of Europeans in America was by the Spaniards in St. Domingo in 1493. So early as 1501 we find they had already got into the habit of carrying the negroes there as slaves, and in 1503 they had become so inconvenient, that Ovando, the Governor, put a stop to their importation. Herrera. Dec. 1, b. 2, ch. 10: B. 4, ch. 12; B. 5, ch. 12; but in 1511 they were again fully in the same habit. The king's instructions at that date were "Que se buscasse forma como se llevassen muchos negroes Guinea, porque era mas util el trabajo de un negro, que de quatro Indios.—Herrera. Dec. 1, L., 9, c. 5; Dec. 2, L., 2, c. 8, 20."—*Footnote in edition of 1853.*

Situation.	Counties.	Militia.	Situation.	Counties.	Militia
Between the Blue Ridge and Tide Waters. 18,828.	Between the Allegheny and the Blue Ridge 7,673. Westward of Alleghaney and the Alleghaney 4,458.		On the Tide Waters, and in that Parallel. 19,012.		
	Lincoln	600		Greensville	500
	Jefferson	300		Dinwiddie	*750
	Fayette	156		Chesterfield	665
	Ohio	...		Prince George	328
	Monongalia	*1,000		Surrey	380
	Washington	*829		Sussex	*700
	Montgomery	1,071		Southampton	874
	Greenbriar	502		Isle of White	*600
	Hampshire	930		Nansemond	*644
	Berkeley	*1,100		Norfolk	*880
	Frederick	1,143		Prince Anne	*594
	Shenando	*925	Between James River and Carolina. 6,959.	Henrico	619
	Rockingham	875		Hanover	706
	Augusta	1,375		New Kent	*418
	Rockbridge	*625		Charles City	286
	Botetourt	*700		James City	235
	Loudoun	1,746		Williamsburgh	129
	Fauquier	1,078	Between James & York Rivers. 3,009.	York	*244
	Culpepper	1,513		Warwick	*100
	Spotsylvania	480		Elizabeth City	182
	Orange	*600	Bet. York & Rappahannock. 3,269.	Caroline	805
	Louisa	603		King William	436
	Goochland	*550		King and Queen	500
	Fluvanna	*296		Essex	468
	Albemarle	873		Middlesex	*210
	Amherst	896		Gloucester	850
	Buckingham	*625	Betw'n Rappahannock and Patowmac. 4,137	Fairfax	652
	Bedford	1,300		Prince William	614
	Henry	1,004		Stafford	*500
	Pittsylvania	*725		King George	483
	Halifax	*1,139		Richmond	412
	Charlotte	612		Westmoreland	544
	Prince Edward	589		Northumberland	630
	Cumberland	408		Lancaster	332
	Powhattan	330	East'n shore. 1,638.	Accomac	*1,208
	Amelia	*1,125		Northampton	*430
	Lunenburg	677			
	Mecklenburg	1,100			
	Brunswick	559	Whole militia of the State		49,971

[164]

Every able-bodied freeman, between the ages of 16 and 50, is enrolled in the militia. Those of every county are formed into companies, and these again into one or more battalions, according to the numbers in the county. They are commanded by colonels, and other subordinate officers, as in the regular service. In every county is a county lieutenant, who commands the whole militia of his county, but ranks only as a colonel in the field. We have no general officers always existing. These are appointed occasionally, when an invasion or insurrection happens, and their commission determines with the occasion. The governor is head of the military, as well as civil power. The law requires every militiaman to provide himself with the arms usual in the regular service. But this injunction was always indifferently complied

with, and the arms they had, have been so frequently called for to arm the regulars, that in the lower parts of the country they are entirely disarmed. In the middle country a fourth or fifth part of them may have such firelocks as they had provided to destroy the noxious animals which infest their farms; and on the [165] Western side of the Blue ridge they are generally armed with rifles. The pay of our militia, as well as of our regulars, is that of the Continental regulars. The condition of our regulars, of whom we have none but Continentals, and part of a battalion of state troops, is so constantly on the change, that a state of it at this day would not be its state a month hence. It is much the same same with the condition of the other Continental troops, which is well enough known.

QUERY X.

The marine?

Before the present invasion of this state by the British under the command of General Phillips, we had three vessels of 16 guns, one of 14, five small gallies, and two or three armed boats. They were generally so illy manned as seldom to be in a condition for service. Since the perfect possession of our rivers assumed by the enemy, I believe we are left with a single armed boat only.[1] [166]

QUERY XI.

A description of the Indians established in that State?

When the first effectual settlement of our colony was made, which was in 1607, the country from the sea-coast to the mountains, and from the Patowmac to the most southern waters of James river, was occupied by upwards of forty different tribes of Indians. Of these the *Powhatans*, the *Mannahoacs*, and *Monacans*, were the most powerful. Those between the sea-coast and falls of the rivers, were in amity with one another, and attached to the *Powhatans* as their link of union. Those between the falls of the rivers and the mountains, were divided into two confeder-

[1] From this note it is apparent that Jefferson must have prepared some of his memoranda while he was still governor of Virginia, or before the arrival of the French fleet.

acies; the tribes inhabiting the head waters of Patowmac and Rappahannoc, being attached to the *Mannahoacs;* and those on the upper parts of James river to the *Monacans.* But the *Monacans* and their friends were in amity with the *Mannahoacs* and their friends, and waged joint and perpetual war against [167] the *Powhatans.* We are told that the Powhatans, Mannahoacs, and Monacans, spoke languages so radically different, that interpreters were necessary when they transacted business. Hence we may conjecture, that this was not the case between all the tribes, and, probably, that each spoke the language of the nation to which it was attached; which we know to have been the case in many particular instances. Very possibly there may have been anciently three different stocks, each of which multiplying in a long course of time, had separated into so many little societies,[1] the principles of their government being so weak as to give this liberty to all its members.

The territories of the *Powhatan* confederacy, south of the Patowmac, comprehended about 8000 square miles, 30 tribes, and 2400 warriors. Captain Smith tells us, that within 60 miles of James town were 5000 people, of whom 1500 were warriors. From this we find the proportion of their warriors to their whole inhabitants, was as 3 to 10. The *Powhatan* confederacy, then, would consist of about 8000 inhabitants, which was one for every square [168] mile; being about the twentieth part of our present

[1] In the edition of 1787 and subsequent ones the words following "so many little societies" are omitted, and a paragraph inserted as follows:

"This practice results from the circumstance of their having never submitted themselves to any laws, any coercive power, any shadow of government. Their only controls are their manners, and that moral sense of right and wrong, which, like the sense of tasting and feeling in every man, makes a part of his nature. An offence against these is punished by contempt, by exclusion from society, or, where the case is serious, as that of murder, by the individuals whom it concerns. Imperfect as this species of coercion may seem, crimes are very rare among them, insomuch that were it made a question, whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one who has seen both conditions of existence would pronounce it to be the last; and that the sheep are happier of themselves, than under care of the wolves. It will be said, that great societies cannot exist without government. The savages, therefore, break them into small ones."

population in the same territory, and the hundredth of that of the British islands.

Besides these were the *Nòttoways*, living on Nottoway river, the *Mehèrrins* and *Tùteloes* on Meherrin river, who were connected with the Indians of Carolina, probably with the Chòwanocs. [169]

The preceding table contains a state of these several tribes, according to their confederacies and geographical situations, with their numbers when we first became acquainted with them, where these numbers are known. The numbers of some of them are again stated as they were in the year 1669, when an attempt was made by the assembly to enumerate them. Probably the enumeration is imperfect, and in some measure conjectural, and that a farther search into the records would furnish many more particulars. What would be the melancholy sequel of their history, may, however, be argued from the census of 1669; by which we discover that the tribes therein enumerated were, in the space of 62 years, reduced to about one-third of their former numbers. Spirituous liquors, the small-pox, war, and an abridgement of territory to a people who lived principally on the spontaneous productions of nature, had committed terrible havoc among them, which generation, under the obstacles opposed to it among them, was not likely to make good. That the lands of this country were taken from them by conquest, is not so general a truth as is supposed. I [170] find in our historians and records, repeated proofs of purchase, which cover a considerable part of the lower country; and many more would doubtless be found on further search. The upper country, we know, has been acquired altogether by purchases made in the most unexceptionable form.

Westward of all these tribes, beyond the mountains, and extending to the great lakes, were the *Massawòmecs*, a most powerful confederacy, who harrassed unremittingly the *Powhatàns* and *Manahoàcs*. These were probably the ancestors of tribes known at present by the name of the *Six Nations*.

Very little can now be discovered of the subsequent history of these tribes severally. The *Chickahòminies* removed about the year 1661, to Mattapony river. Their chief, with one from each of the Pamùnkies and Màttaponies, attended the treaty of Albany

WEST.

...vns.	Warriors. 1607.	Warriors. 1669.	
...shington's.	40		
	200		By the name of Matchotiks, U. Matchodic, Nanzaticos, Nanzatico, Appomatox, Matox.
...ek.	20	60	
...wn.	..		
	100		
...ek.	100	30	By the name of Totuskeys.
	80	40	
	30		
...	130	70	
	30		
...ek.	150	60	
...	30	20	
	300	50	
	40		
...imesby.	55		
...	60		
	250	60	
...o's.	40	10	
	30		
	100	15	
	40		
	45	15	
	20		
...ld.	60	50	
...oak.	25	3 Pohics	
	..		
...branch.	200	45	
...river.	100		
	40		
	80		

	1669.
Nottoways.	..
Meherrics.	90
Tuteloes.	50

EAST.

NORTH.

WEST.

EAST

	MANNAHOACS.				POWHATANS					
	Tribes.	Country.	Chief Towns	War's 1669	Tribes.	Country.	Chief Towns.	War's 1607	1669	
Between Patowmac and Rappahanoc.	Whonkenties.	Fauquier.			Tauxenents.	Fairfax.	About Gen. Washington's.	40		
	Tegninatues.	Culpepper.			Patówomekes.	Stafford. King George.	Pawtomac cr.	200		By the name of Matchotiks, U. Matchotic, Nanzaticos, Nanzatico, Appomatox, Matox.
	Ontponies.	Orange.			Cuttatawomans	King George.	About Lamb's creek	20	60	
	Tauxtamans.	Fauquier.			Pissasecs.	King George. Richmond.	Above Leeds Town.	.		
	Hassinungaes.	Culpepper.			Onaumanients.	Westmoreland.	Nomony river.	100		
					Rappahânocs.	Richmond co.	Rappahanoc creek.	100	30	By the name of Totuskeys.
Bet. Rappahannoc & York.	Stegarakies.	Orange.			Moâughtacunds.	Lancaster. Richmond.	Moratico river	80	40	
	Shackakonies.	Spotsylvania.			Secacaonies.	Northumberland	Coan river.	30		
	Manahoacs.	Stafford. Spotsylvania.			Wighcocômicoes.	Northumberland.	Wicocomico river.	130	70	
					Cuttatawomans.	Lancaster.	Corotoman.	30		
					Nantaughtacunds.	Essex. Caroline.	Port Tobacco creek.	150	60	
					Màttapoments.	Mattapony river.	. . . . .	30	20	
					Pamûnkies.	King William	Romuncock.	300	50	
					Wèrowocômicos.	Gloucester.	About Rosewell.	40		
					Payinkatonks.	Piankatank river	Turk's Ferry, Grimesby	55		
					Youghtanunds.	Pamunkey river.	. . . . .	60		
					Chickahôminies.	Chickahominy river.	Orapaks.	250	60	
					Powhatâns.	Henrico.	Powhatan. Mayo's.	40	10	
					Arrowhâtocs.	Henrico.	Arrohatocs.	30		
	MONACANS				Wèanocs.	Charles city.	Weynoke.	100	15	
Between York and James.	Monacans.	James river, above the falls.	Fork of James river.	30	Paspahêghes.	Charles city. James city.	Sandy-Point.	40		
	Monasiccapanoes.	Louisa. Fluvanna.			Chiskiacs.	York.	Chiskiac.	45	15	1669.
					Kecoughtans.	Elizabeth city.	Koscows.	20		
					Appamâttocs.	Chesterfield.	Bermuda Hundred.	60	50	
Between James & Carolina.	Monahassanoes.	Bedford. Buckingham.			Quiocohânocs.	Surry.	About Upp Chipoak.	25	3 Pohies	Nottoways .
					Wârrasqueaks.	Isle of Wight.	Warrasqueac.	.		Meherrins 140
	Massinacacs.	Cumberland.			Nansamônds.	Nansamond.	At mouth West branch.	200	45	Tuteloes 50
	Mohemenchoes.	Powhatan.			Chèsapeaks.	Princess Anne.	About Lynhaven river.	100		
Eastern shore.					Accohanocs.	Accom. Northampton.	Accohanoc river	40		
					Accomâcks.	Northampton.	About Cheriton's.	80		

SOUTH.

in 1685. This seems to have been the last chapter in their history. They retained, however, their separate name so late as 1705, and were at length blended with the Pamùnkies and Màttaponies, and exist at present only under their names. There remain of the *Màttaponies* three or four men only, and they [171] have more negro than Indian blood in them. They have lost their language, have reduced themselves, by voluntary sales, to about fifty acres of land, which lie on the river of their own name, and have from time to time, been joining the Pamùnkies, from whom they are distant but 10 miles. The *Pamùnkies* are reduced to about 10 or 12 men, tolerably pure from mixture with other colors. The older ones among them preserve their language in a small degree, which are the last vestiges on earth, as far as we know, of the Powhatan language. They have about 300 acres of very fertile land, on Pamunkey river, so encompassed by water that a gate shuts in the whole. Of the *Nottoways*, not a male is left. A few women constitute the remains of that tribe. They are seated on the Nottoway river, in Southampton country, on very fertile lands. At a very early period, certain lands were marked out and appropriated to these tribes, and were kept from encroachment by the authority of the laws. They have usually had trustees appointed, whose duty was to watch over their interests, and guard them from insult and injury. [172]

The *Mònacans* and their friends, better known latterly by the name of *Tuscaròras*, were probably connected with the Massawòmecs, or Five nations. For though we are[1] told their languages were so different that the intervention of interpreters was necessary between them, yet do we also[2] learn that the Erigas, a nation formerly inhabiting on the Ohio, were of the same original stock with the Five Nations, and that they partook also of the Tuscaròra language. Their dialects might, by long separation, have become so unlike as to be unintelligible to one another. We know that in 1712, the Five nations received the Tuscaròras into their confederacy, and made them the Sixth nation. They received the Mehèrrins and Tùteloes also into their protection: and it is most probable, that the remains of many other of the

[1] Smith.—*T. J.*

[2] Evans.—*T. J.*

tribes, of whom we find no particular account, retired westwardly in like manner, and were incorporated with one or the other of the western tribes. [1] [173]

I know of no such thing existing as an Indian monument; for I would not honor with that name arrow points, stone hatchets, stone pipes, and half shapen images. Of labor on the large scale, I think there is no remain as respectable as would be a common ditch for the draining of lands; unless indeed it would be the Barrows, of which many are to be found all over this country.

[1] "As far as I have been able to learn, the country from the sea-coast to the Alleghany, and from the most southern waters of James River, now in the State of Maryland, was occupied by three different nations of Indians, each of which spoke a different language, and were under separate and distinct governments. What the original or real names of those nations were, I have not been able to learn with certainty; but by us they are distinguished by the names of Powhatans, Mannahoacs, now commonly called Tuscaroras. The Powhatans, who occupied the country from the sea shore up to the falls of the rivers, were a powerful nation, and seem to have consisted of seven tribes, five on the western and two on the eastern shore. Each of these tribes was subdivided into towns, families, or clans, who lived together. All the nations of Indians in North America lived in the hunter state, and depended for subsistence on hunting, fishing, and the spontaneous fruits of the earth, and a kind of grain which was planted and gathered by the women, and is now known by the name of Indian corn. Long potatoes, pumpkins of various kinds, and squashes, were also found in use among them. They had no flocks, herds, or tamed animals of any kind. Their government is a kind of patriarchal confederacy. Every town or family has a chief, who is distinguished by a particular title, and whom we commonly call 'Sachem.' The several towns or families that compose a tribe, have a chief who presides over it, and the several tribes composing a nation have a chief who presides over the whole nation. These chiefs are generally men advanced in years, and distinguished by their prudence and abilities in council. The matters which merely regard a town or family are settled by the chief and principal men of the town; those which regard a tribe, such as the appointment of head warriors or captains, and settling differences between different towns and families, are regulated at a meeting or council of the chiefs from the several towns; and those which regard the whole nation, such as the making war, concluding peace, or forming alliances with the neighboring nations, are deliberated on and determined in a national council composed of the chiefs of the tribe, attended by the head warriors and a number of the chiefs from the towns, who are his counsellors. In every town there is a council house, where the chief and old men of the town assemble, when occasion requires, and consult what is proper to be done. Every tribe has a fixed place for the chiefs of the towns to meet

These are of different sizes, some of them constructed of earth, and some of loose stones. That they were repositories of the dead, has been obvious to all; but on what particular occasion constructed, was a matter of doubt. Some have thought they covered the bones of those who have fallen in battles fought on the spot of interment. Some ascribed them to the custom, said to prevail among the Indians, of collecting, at certain periods, the bones of all their dead, wheresoever deposited at the time of death. Others again supposed them the general sepulchres for

and consult on the business of the tribe; and in every nation there is what they call the central council house, or central council fire, where the chiefs of the several tribes, with the principal warriors, convene to consult and determine on their national affairs. When any matter is proposed in the national council, it is common for the chiefs of the several tribes to consult thereon apart with their counsellors, and when they have agreed, to deliver the opinion of the tribe at the national council; and, as their government seems to rest wholly on persuasion, they endeavor, by mutual concessions, to obtain unanimity. Such is the government that still subsists among the Indian nations bordering upon the United States. Some historians seem to think, that the dignity of office of Sachem was hereditary. But that opinion does not appear to be well founded. The sachem or chief of the tribe seems to be by election. And sometimes persons who are strangers, and adopted into the tribe, are promoted to this dignity, on account of their abilities. Thus on the arrival of Captain Smith, the first founder of the colony of Virginia, Opechancanough, who was Sachem or chief of the Chickahominies, one of the tribes of the Powhatans, is said to have been of another tribe, and even of another nation, so that no certain account could be obtained of his origin or descent. The chiefs of the nation seem to have been by a rotation among the tribes. Thus when Captain Smith, in the year 1609, questioned Powhatan (who was the chief of the nation, and whose proper name is said to have been Wahunsonacock) respecting the succession, the old chief informed him, 'that he was very old, and had seen the death of all his people thrice*; that not one of these generations were then living except himself; that he must soon die, and the succession descend in order to his brother Opichapan, Opechancanough, and Catataugh, and then to his two

* This is one generation more than the poet ascribes to the life of Nestor:

Τῷ δ' ἤδη δύο μὲν γενεαὶ μερόπων ἀνθρώπων
Εφθίαθ' οἳ οἱ ὥρόσθεν ἅμα τράφεν ἠδ' ἐγένοντο
Ἐν Πύλῳ ἡγαθέῃ, μετὰ δὲ τριτάτοισιν ἄνασσεν.

Il. Hom. II. 250.

Two generations now had passed away,
Wise by his rules, and happy by his sway;
Two ages o'er his native realm he reign'd,
And now th' example of the third remained.

Pope.

towns, conjectured to have been on or near these grounds ; and this opinion was supported by the quality of the lands in which they are found, (those constructed of earth being generally in the softest and most fertile meadow-grounds on [174] river sides,) and by a tradition, said to be handed down from the aboriginal Indians, that, when they settled in a town, the first person who died was placed erect, and earth put about him, so as to cover and support him ; that when another died, a narrow passage was dug to the

sisters, and their two daughters.' But these were appellations designating the tribes in the confederacy. For the persons named are not his real brothers, but the chiefs of different tribes. Accordingly in 1618, when Powhatan died, he was succeeded by Opichapan, and after his decease, Opechancanough became chief of the nation. I need only mention another instance to show that the chiefs of the tribes claimed this kindred with the head of the nation. In 1622, when Raleigh Crashaw was with Japazaw, the Sachem or chief of the Potomacs, Opechancanough, who had great power and influence, being the second man in the nation, and next in succession to Opichapan, and who was a bitter but secret enemy to the English, and wanted to engage his nation in a war with them, sent two baskets of beads to the Potomac chief, and desired him to kill the Englishman that was with him. Japazaw replied, that the English were his friends, and Opichapan his *brother*, and that therefore there should be no blood shed between them by his means. It is also to be observed, that when the English first came over, in all their conferences with any of the chiefs, they constantly heard him make mention of his *brother*, with whom he must consult, or to whom he referred them, meaning thereby either the chief of the nation, or the tribes in confederacy. The Manahoacks are said to have been a confederacy of four tribes, and in alliance with the Monacans, in the war which they were carrying on against the Powhatans.

" To the northward of these there was another powerful nation which occupied the country from the head of the Chesapeake bay up to the Kittatinney mountain, and as far eastward as Connecticut river, comprehending that part of New York which lies between the Highlands and the ocean, all the State of New Jersey, that part of Pennsylvania which is watered, below the range of the Kittatinney mountains, by the rivers or streams falling into the Delaware, and the county of Newcastle in the State of Delaware, as far as Duck creek. It is to be observed, that the nations of Indians distinguished their countries one from another by natural boundaries, such as ranges of mountains or streams of water. But as the heads of rivers frequently interlock, or approach near to each other, as those who live upon a stream claim the country watered by it, they often encroached on each other, and this is a constant source of war between the different nations. The nation occupying the tract of country last described, called themselves Lenopi. The French writers call them Loups ; and among

first, the second reclined against him, and the cover of earth replaced, and so on. There being one of these in my neighborhood, I wished to satisfy myself whether any, and which of these opinions were just. For this purpose I determined to open and examine it thoroughly. It was situated on the low grounds of the Rivanna, about two miles above its principal fork, and opposite to some hills, on which had been an Indian town. It was of a spheroidical form, of about 40 feet diameter at the base, and had been of about

the English they are now commonly called Delawares. This nation or confederacy consisted of five tribes, who all spoke one language, 1. The Chihohocki, who dwelt on the west side of the river now called Delaware, a name which it took from Lord De la War, who put into it on his passage from Virginia in the year ———, but which by the Indians was called Chihohocki. 2. The Wanami, who inhabit the country called New Jersey, from the Rariton to the sea. 3. The Munsey, who dwelt on the upper streams of the Delaware, from the Kittatinney mountains down to the Lehigh or western branch of the Delaware. 4. The Wabinga, who are sometimes called River Indians, sometimes Mohickanders, and who had their dwelling between the west branch of Delaware and Hudson's river, from the Kittatinney Ridge down to the Rariton; and 5. The Mahiccon, or Manhattan, who occupied Staten Island, York Island (which from its being the principal seat of their residence was formerly called Manhattan), Long Island, and that part of New York and Connecticut which lies between Hudson and Connecticut rivers, from the highland, which is a continuation of the Kittatinney Ridge down to the Sound. This nation had a close alliance with the Shawanese, who lived on the Susquehanna and to the westward of that river, as far as the Alleghany mountains, and carried on a long war with another powerful nation or confederacy of Indians, which lived to the north of them between the Kittatinney mountains or highlands, and the Lake Ontario, and who call themselves Mingoes, and are called by the French writers Iroquois, by the English the Five Nations, and by the Indians to the southward, with whom they were at war, Massawomacs. This war was carrying on in its greatest fury, when Captain Smith first arrived in Virginia. The Mingo Warriors had penetrated down the Susquehannah to the mouth of it. In one of his excursions up the bay, at the mouth of the Susquehannah, in 1608, Captain Smith met with six or seven of their canoes full of warriors, who were coming to attack their enemies in the rear. In an excursion which he had made a few weeks before, up the Rappahannock, and in which he had a skirmish with a party of the Manahoacs, and taken a brother of one of their chiefs prisoner, he first heard of this nation. For when he asked the prisoner why his nation attacked the English? the prisoner said, because his nation had heard that the English came from under the world to take their world from them. Being asked, how many worlds he knew? he said, he knew but one, which was under the sky that covered him, and which consisted of Powhatans, the Manakins,

twelve feet altitude, though now reduced by the plough to seven and a half, having been under cultivation about a dozen years. Before this it was covered with trees of twelve inches diameter, and round the base was an excavation of five feet depth and width, from whence the earth had been taken of which the hillock [175] was formed. I first dug superficially in several parts of it, and came to collections of human bones, at different depths, from six

and the Massawomacs. Being questioned concerning the latter, he said, they dwelt on a great water to the North, that they had many boats, and so many men, that they waged war with all the rest of the world. The Mingo confederacy then consisted of five tribes; three who are the elder, to wit, the Senecas, who live to the West, the Mohawks to the East, and the Onondagas between them; and two who are called the younger tribes, namely, the Cayugas and Oneidas. All these tribes speak one language, and were then united in a close confederacy, and occupied the tract of country from the east end of Lake Erie to Lake Champlain, and from the Kittatinney and Highlands to the Lake Ontario and the river Cadaraqui, or St. Lawrence. They had some time before that, carried on a war with a nation, who lived beyond the lakes, and were called Adirondacks. In this war they were worsted; but having made a peace with them, through the intercession of the French who were then settling Canada, they turned their arms against the Lenopi; and as this war was long and doubtful, they, in the course of it, not only exerted their whole force, but put in practice every measure which prudence or policy could devise to bring it to a successful issue. For this purpose they bent their course down the Susquehannah, and warring with the Indians in their way, and having penetrated as far as the mouth of it, they, by the terror of their arms, engaged a nation, now known by the name of Nanticocks, Conoys, and Tuteloes, and who lived between Chesapeake and Delaware bays, and bordering on the tribe of Chihohocki, to enter into an alliance with them. They also formed an alliance with the Monicans, and stimulated them to a war with the Lenopi and their confederates. At the same time the Mohawks carried on a furious war down the Hudson against the Mohiccons and River Indians, and compelled them to purchase a temporary and precarious peace, by acknowledging them to be their superiors, and paying an annual tribute. The Lenopi being surrounded with enemies, and hard pressed, and having lost many of their warriors, were at last compelled to sue for peace, which was granted to them on the condition that they should put themselves under the protection of the Mingoes, confine themselves to raising corn, hunting for the subsistence of their families, and no longer have the power of making war. This is what the Indians call making them women. And in this condition the Lenopi were when William Penn first arrived and began the settlement of Pennsylvania in 1682."—*Charles Thomson in Appendix.*

inches to three feet below the surface. These were lying in the utmost confusion, some vertical, some oblique, some horizontal, and directed to every point of the compass, entangled and held together in clusters by the earth. Bones of the most distant parts were found together, as, for instance, the small bones of the foot in the hollow of a scull ; many sculls would sometimes be in contact, lying on the face, on the side, on the back, top or bottom, so as, on the whole, to give the idea of bones emptied promiscuously from a bag or a basket, and covered over with earth, without any attention to their order. The bones of which the greatest numbers remained, were sculls, jaw bones, teeth, the bones of the arms, thighs, legs, feet and hands. A few ribs remained, some vertebræ of the neck and spine, without their processes, and one instance only of the [1] bone which serves [176] as a base to the vertebral column. The sculls were so tender, that they generally fell to pieces on being touched. The other bones were stronger. There were some teeth which were judged to be smaller than those of an adult ; a scull, which on a slight view, appeared to be that of an infant, but it fell to pieces on being taken out, so as to prevent satisfactory examination ; a rib, and a fragment of the under jaw of a person about half grown ; another rib of an infant ; and a part of the jaw of a child, which had not cut its teeth. This last furnishing the most decisive proof of the burial of children here, I was particular in my attention to it. It was part of the right half of the under jaw. The processes, by which it was articulated to the temporal bones, were entire, and the bone itself firm to where it had been broken off, which, as nearly as I could judge, was about the place of the eye tooth. Its upper edge, wherein would have been the sockets of the teeth, was perfectly smooth. Measuring it with that of an adult, by placing their hinder processes together, its broken end extended to the penultimate grinder of the adult. This bone was white, all the others [177] of a sand color. The bones of infants being soft, they probably decay sooner, which might be the cause so few were found here. I proceeded then to make a perpendicular cut through the body of the barrow, that I might examine its internal structure. This passed about three feet from its centre, was opened to the former surface

[1] The os sacrum.—*T. J.*

of the earth, and was wide enough for a man to walk through and examine its sides. At the bottom, that is, on the level of the circumjacent plain, I found bones; above these a few stones, brought from a cliff a quarter of a mile off, and from the river one eighth of a mile off; then a large interval of earth, then a stratum of bones, and so on. At one end of the section were four strata of bones plainly distinguishable; at the other, three; the strata in one part not ranging with those in another. The bones nearest the surface were least decayed. No holes were discovered in any of them, as if made with bullets, arrows, or other weapons. I conjectured that in this barrow might have been a thousand skeletons. Every one will readily seize the circumstances above related, which militate against the opinion, that it covered the bones [178] only of persons fallen in battle; and against the tradition also, which would make it the common sepulchre of a town, in which the bodies were placed upright, and touching each other. Appearances certainly indicate that it has derived both origin and growth from the accustomary collection of bones, and deposition of them together; that the first collection had been deposited on the common surface of the earth, a few stones put over it, and then a covering of earth, that the second had been laid on this, had covered more or less of it in proportion to the number of bones, and was then also covered with earth; and so on. The following are the particular circumstances which give it this aspect. 1. The number of bones. 2. Their confused position. 3. Their being in different strata. 4. The strata in one part having no correspondence with those in another. 5. The different states of decay in these strata, which seem to indicate a difference in the time of inhumation. 6. The existence of infant bones among them.[1]

[1] In the edition of 1853 a footnote is added as follows:

"The customs of burying the dead in burrows was anciently very prevalent. Homer describes the ceremony of raising one by the Greeks.

ἀμφ' αὐτοῖσι δ' ἔπειτα μέγαν καὶ ἀμύμονα τύμβον
χεύαμεν Ἀργείων ἱερὸς στρατὸς αἰχμητάων
ἀκτῇ ἔπι προὐχούσῃ, ἐπὶ πλατεῖ Ἑλλησπόντῳ
ὥς κεν τηλεφανὴς ἐκ ποντόφιν ἀνδράσιν εἴῃ
τοῖς, οἳ νῦν γεγάασι, καὶ οἳ μετόπισθεν ἔσονται.

"And Herodotus VII., 117, mentions an instance of the same practice in the my of Xerxes on the death of Artachæas."

But on whatever occasion they may have been made, they are of considerable notoriety among the Indians; for a party passing, about [179] thirty years ago, through the part of the country where this barrow is, went through the woods directly to it, without any instructions or inquiry, and having staid about it for some time, with expressions which were construed to be those of sorrow, they returned to the high road, which they had left about half a dozen miles to pay this visit, and pursued their journey. There is another barrow much resembling this, in the low grounds of the South branch of Shenandoah, where it is crossed by the road leading from the Rock-fish gap to Staunton. Both of these have, within these dozen years, been cleared of their trees and put under cultivation, are much reduced in their height, and spread in width, by the plough, and will probably disappear in time. There is another on a hill in the Blue ridge of mountains, a few miles North of Wood's gap, which is made up of small stones thrown together. This has been opened and found to contain human bones, as the others do. There are also many others in other parts of the country.[1]

Great question has arisen from whence came those aboriginals of Ame-[180]rica?[2] Discoveries, long ago made, were sufficient to

[1] "From the figurative language of the Indians, as well as from the practice of those we are still acquainted with, it is evident that it was and still continues to be, a constant custom among the Indians to gather up the bones of the dead, and deposit them in a particular place. Thus, when they make peace with any nation with whom they have been at war, after burying the hatchet, they take up the belt of wampum, and say, 'We now gather up all the bones of those who have been slain, and bury them,' &c. See all the treaties of peace. Besides, it is customary when any of them die at a distance from home, to bury them, and afterwards to come and take up the bones and carry them home. At a treaty which was held at Lancaster with the Six Nations, one of them died, and was buried in the woods a little distance from the town. Some time after a party came and took up the body, separated the flesh from the bones by boiling and scraping them clean, and carried them to be deposited in the sepulchres of their ancestors. The operation was so offensive and disagreeable, that nobody could come near them while they were performing it."—*Charles Thomson in Appendix.*

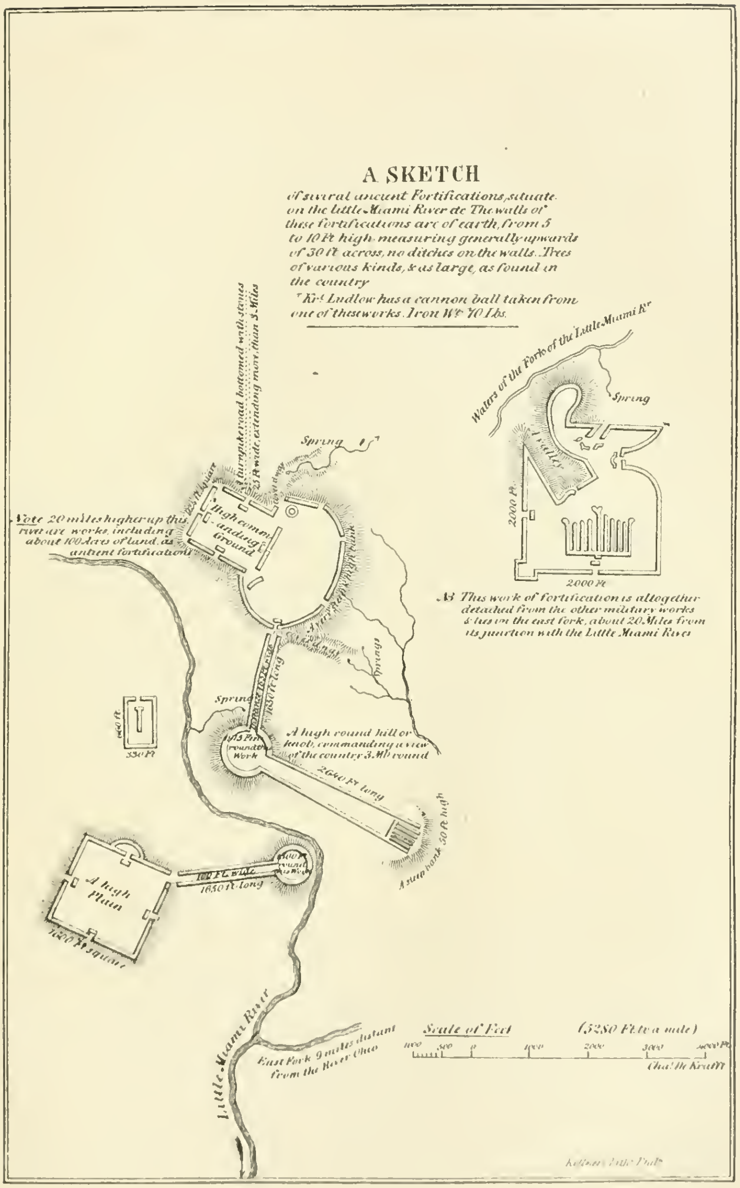
[2] In the edition of 1853 is a footnote:

"In the notes on Virginia, the great diversity of languages appearing radically different, which are spoken by the red men of America, is supposed to

show that the passage from Europe to America was always practicable, even to the imperfect navigation of ancient times. In going from Norway to Iceland, from Iceland to Grœnland, from Grœnland to Labrador, the first traject is the widest; and this having been practised from the earliest times of which we have any account of that part of the earth, it is not difficult to suppose that the subsequent trajects may have been sometimes passed. Again, the late discoveries of Captain Cook, coasting from Kamschatka to California, have proved that if the two continents of Asia and America be separated at all, it is only by a narrow streight. So that from this side also, inhabitants may have passed into America; and the resemblance between the Indians of America and the eastern inhabitants of Asia, would induce us to conjecture, that the former are the descendants of the latter, or the latter of the former; excepting indeed the Esquimaux, who, from the same circumstance of resemblance, and from identity of language must be derived from the Grœnlanders, and these probably from some of the northern parts of the old continent. A knowledge of their [181] several languages would be the most certain evidence of

authorize a supposition that their settlement is more remote than that of Asia by its red inhabitants; but it must be confessed that the mind finds it difficult to conceive that so many tribes have inhabited it from so remote an antiquity as would be necessary to have divided them into language so radically different. I will therefore hazard a conjecture as such, and only to be estimated at what it may be worth. We know that the Indians consider it as dishonorable to use any language but their own. Hence in their councils with us, though some of them may have been in situations which from convenience or necessity, have obliged them to learn our language well, yet they refuse to confer in it, and always insist on the intervention of an interpreter, though he may understand neither language so well as themselves; and this fact is as general as our knowledge of the tribes of North America. When therefore a fraction of a tribe from domestic feuds had broken off from its main body, to which it is held by no law or compact, and has gone to another settlement, may it not be the point of honor with them not to use the language of those with whom they have quarrelled, but to have one of their own. They have use but for few words, and possess but few. It would require but a small effort of the mind to invent these, and to acquire the habit of using them. Perhaps this hypothesis presents less difficulty than that of so many radically distinct languages, preserved by such handfuls of men, from an antiquity so remote that no data we possess will enable us to calculate it."

No. 3.



A SKETCH
of several ancient Fortifications, situate on the little Miami River &c The walls of these fortifications are of earth, from 5 to 10 Ft high measuring generally upwards of 30 ft across, no ditches on the walls. Trees of various kinds, & as large, as found in the country
Mr. Ludlow has a cannon ball taken from one of these works. Iron Wt 70 Lbs.
Waters of the Fork of the Little Miami Rr
Spring
2000 Ft
2000 Ft
NB This work of fortification is altogether detached from the other military works & lies on the east fork, about 20 Miles from its junction with the Little Miami River
Note 20 miles higher up this river are works, including about 100 Acres of land, as antient fortifications
High commanding Ground
Spring
A high round hill or knob, commanding a view of the country 3 Mls round
2640 Ft long
A steep bank 50 Ft high
A high Plain
1650 Ft long
Little Miami River
East Fork 9 miles distant from the River Ohio
Scale of Feet
(5280 Ft to a mile)

their derivation which could be produced. In fact, it is the best proof of the affinity of nations which ever can be referred to. How many ages have elapsed since the English, the Dutch, the Germans, the Swiss, the Norwegians, Danes and Swedes have separated from their common stock? Yet how many more must elapse before the proofs of their common origin, which exists in their several languages, will disappear? It is to be lamented, then, very much to be lamented, that we have suffered so many of the Indian tribes already to extinguish, without our having previously collected and deposited in the records of literature, the general rudiments at least of the languages they spoke. Were vocabularies formed of all the languages spoken in North and South America, preserving their appellations of the most common objects in nature, of those which must be present to every nation barbarous or civilized, with the inflections of their nouns and verbs, their principles of regimen and concord, and these deposited in all the public libraries, it would furnish op-[182]portunities to those skilled in the languages of the old world to compare them with these, now, or at any future time, and hence to construct the best evidence of the derivation of this part of the human race.[1]

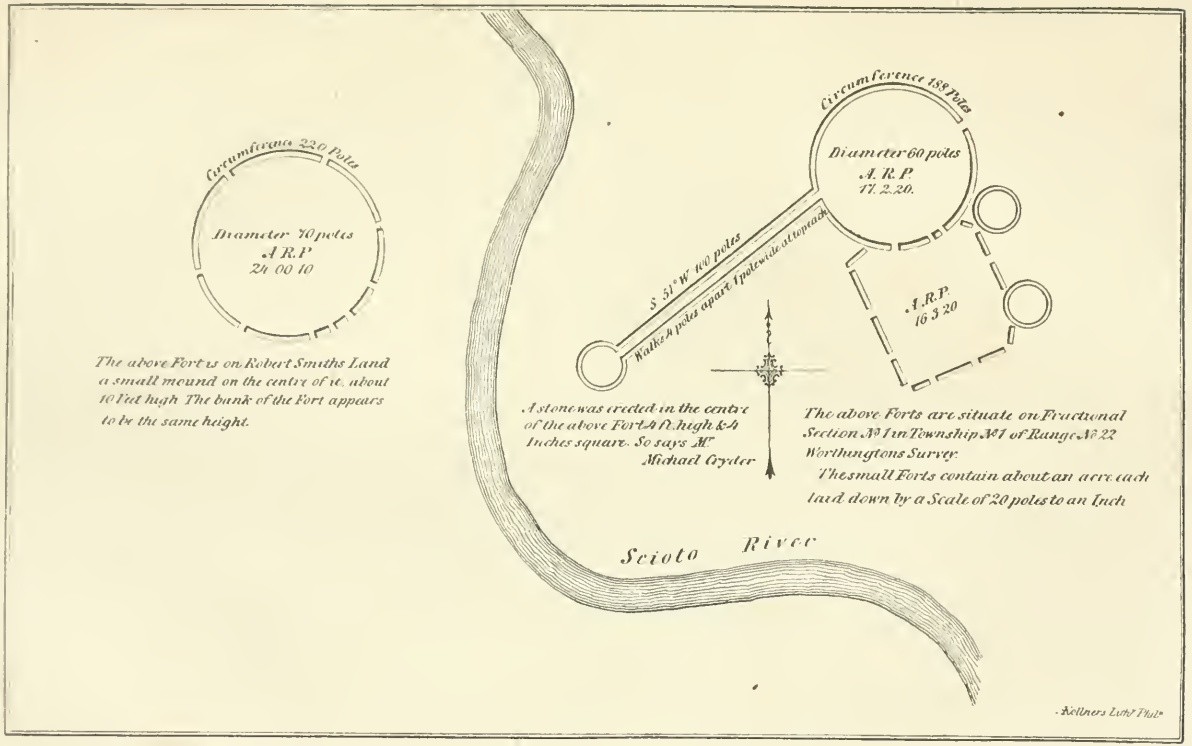
I will now proceed to state the nations and numbers of the Aborigines which still exist in a respectable and independent form. And as their undefined boundaries would render it difficult to specify those only which may be within any certain limits, and

[1] In the edition of 1787, and subsequent ones, the following paragraph is inserted:

"But imperfect as is our knowledge of the tongues spoken in America, it suffices to discover the following remarkable fact*: Arranging them under the radical ones to which they may be palpably traced, and doing the same by those of the red men of Asia, there will be found probably twenty in America, for one in Asia, of those radical languages, so called because if they were ever the same they have lost all resemblance to one another. A separation into dialects may be the work of a few ages only, but for two dialects to recede from one another till they have lost all vestiges of their common origin, must require an immense course of time; perhaps not less than many people give to the age of the earth. A greater number of those radical changes of language having taken place among the red men of America, proves them of greater antiquity than those of Asia."

* "Mattere di Amer. Vesp. 81.—Ib. 11, 12, 4. Clavigero, 21." *Note in edition of* 1853.

it may not be unacceptable to present a more general view of them, I will reduce within the form of a Catalogue all those within, and circumjacent to, the United States, whose names and numbers have come to my notice. These are taken from four different lists, the first of which was given in the year 1759 to General Stanwix by George Croghan, Deputy agent for Indian affairs under Sir William Johnson; the second was drawn up by a French trader of considerable note, resident among the Indians many years, and annexed to Colonel Bouquet's printed account of his expedition in 1764. The third was made out by Captain [183] Hutchins, who visited most of the tribes, by order, for the purpose of learning their numbers in 1768; and the fourth by John Dodge, an Indian trader, in 1779, except the numbers marked *, which are from other information. [184]


Circumference 220 Poles
Diameter 70 poles
A.R.P
24 00 10
The above Fort is on Robert Smiths Land a small mound on the centre of it, about 10 Feet high The bank of the Fort appears to be the same height.
Circumference 188 Poles
Diameter 60 poles
A. R. P.
17. 2. 20.
S. 51° W. 100 poles
Walks 4 poles apart 1 pole wide at top each
A.R.P.
16 3 20
A stone was erected in the centre of the above Fort 4 ft. high 4 by 4 Inches square. So says Mr Michael Cryder
The above Forts are situate on Fractional Section № 1 in Township № 1 of Range № 22 Worthingtons Survey.
The small Forts contain about an acre each
laid down by a Scale of 20 poles to an Inch
Scioto River
Kollners Lith. Phila.

No. 4.

INDIAN TRIBES.

	TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Where they reside.
Northward and Westward of the United States.	Oswegatchies	....	....	100	At Swagatchy, on the river St. Laurence.
	Connasedagoes	....	200	300	Near Montreal.
	Cohunnewagoes	....			
	Orondocs	....	....	100	Near Trois Rivieres.
	Abenakies	....	350	150	Near Trois Rivieres.
	Little Alkonkins	....	....	100	Near Trois Rivieres.
	Michmacs	....	700	....	River St. Laurence.
	Amelistes	....	550	....	River St. Laurence.
	Chalas	....	130	....	River St. Laurence.
	Nipissins	....	400	....	Towards the heads of the Ottawas river.
	Algonquins	....	300	....	Towards the heads of the Ottawas river.
	Round Heads	....	2,500	....	Riviere aux Tetes boules, on the east side of Lake Superior.
	Messasagues	....	2,000	....	Lakes Huron and Superior. [185]
	Christinaux—Kris	....	3,000	....	Lake Christinaux.
	Assinaboes	....	1,500	....	Lake Assinaboes.
	Blancs, or Barbus	....	1,500	....	
	Sioux of the Meadows	10,000	2,500	10,000	On the heads of the Mississippi and westward of that river.
	Sioux of the Woods		1,800		
	Sioux		....		
	Ajoues	....	1,100	....	North of the Padoucas.
	Panis—White	....	2,000	....	South of the Missouri.
	Panis—Freckled	....	1,709	....	South of the Missouri.
	Padoucas	....	500	....	South of the Missouri.
	Grandes-Eaux	....	1,000	....	
	Canses	....	1,600	....	South of the Missouri.
	Osages	....	600	....	South of the Missouri.
	Missouris	400	3,000	....	On the river Missouri.
	Arkansas	....	2,000	....	On the river Arkansas.
	Caouitas	....	700	....	East of the Alibamous. [186]

TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Within the limits of the United States.					
Mòhocks	....	....	160	100	Mohocks river.
Onèidas	....	....	300	400	East side of Oneida Lake and head branches of Susquehanna.
Tuscoròras	....	....	200		Between the Oneidas and Onondagoes.
Onondàgoes	....	1,550	260	230	Near Onondago Lake.
Cayùgas	....	....	200	220	On the Cayuga Lake, near the north branch of Susquehanna.
Sènecas	....	....	1,000	650	On the waters of Susquehanna, of Ontaria, and the heads of the Ohio.
Aughquagahs	....	....	150	....	East branch of Susquehanna, and on Aughquagah.
Nánticoes	....	....	100	....	Utsanango, Chaghnet, and Owego, on the east branch of Susquehanna.
Mohiccons	....	....	100	....	In the same parts.
Conòies	....	....	30	....	In the same parts.
Sapòonies	....	....	30	....	At Diahago and other villages up the north branch of Susquehanna.
Mùnsies	....	....	150	*150	At Diahago and other villages up the north branch of Susquehanna. [187]
Delawares, or Linnelinopies	....	....	150		At Diahago and other villages up the north branch of Susquehanna.
Delawares, or Linnelinopies	600	600	600	*500	Between Ohio and Lake Erie and the branches of Beaver Creek, Cayahoga and Muskingum.
Shàwanees	400	500	300	300	Sioto and the branches of Muskingum.
Mingoes	....	....	....	60	On a branch of Sioto.
Mohiccons	....	....		*60	
Cohunnewagos	....	....	300	....	Near Sandusky.
Wyandots	300	300			
Wyandots		....	250	180	Near Fort St. Joseph's and Detroit.
Twightwees	300	....	250	....	Miami river near Fort Miami.
Miamis	....	350	....	300	Miami river, about Fort St. Joseph.
Ouiàtonons	200	400	300	*300	On the banks of the Wabash, near Fort Ouiatonon.
Piànkishas	300	250	300	*400	On the banks of the Wabash, near Fort Ouiatonon.
Shâkies	....	....	200	....	On the banks of the Wabash, near Fort Ouiatonon.
Kaskàskias	....		300	....	Near Kaskaskia. [188]
Illinois	400	600	300	....	Near Cahokia. Query, If not the same with the Mitchigamis?
Piorias	....	800	....	....	On the Illinois river, called Pianrias, but supposed to mean Piorias.
Ponteòtamies	....	350	300	450	Near Fort St. Joseph's and Fort Detroit.

	TRIBES.	Croghan. 1759.	Bouquet. 1764.	Hutchins. 1768.	Dodge. 1779.	Where they reside.
Within the limits of the United States.	Ottawas	....	....	550	*300	Near Fort St. Joseph's and Fort Detroit.
	Chippawas	....	....	200	....	On Saguinam bay of Lake Huron.
	Ottawas	....	....		....	On Saguinam bay of Lake Huron.
	Chippawas	....	....	400	....	Near Michillimackinac.
	Ottawas	2,000	5,900	250	5,450	Near Michillimackinac.
	Chippawas	....		400	....	Near Fort St. Mary's on Lake Superior.
	Chippawas	....	....	....	....	Several other villages along the banks of Lake Superior. Numbers unknown.
	Chippawas	....	....	....	....	Near Puans bay on Lake Michigan.
	Shakies	200	400	550	....	Near Puans bay on Lake Michigan.
	Mynonàmies	....	....	....	....	Near Puans bay on Lake Michigan.
	Ouisconsings	....	550	....	....	Ouisconsing river. [189]
	Kickapous	600	300	....	250	
	Otogamies—Foxes	....	....	....	....	
	Màscoutens	....	500	4,000	....	On Lake Michigan, and between that and the Missisipi.
	Miscòthins	....	....	....	....	
	Outimacs	....	....	....	....	
	Musquakies	200	250		250	
	Sioux. Eastern	....	....	....	500	On the eastern heads of the Missisipi, and the islands of Lake Superior.
				Galphin. 1768.		
	Cherokees	1,500	2,500	3,000	....	Western parts of North Carolina.
	Chickasaws	....	750	500	....	Western parts of Georgia.
	Catawbas	....	150	....	....	On the Catawba river in South Carolina.
	Chacktaws	2,000	4,500	6,000	....	Western parts of Georgia.
	Upper Creeks	....	....	3,000	....	Western parts of Georgia.
	Lower Creeks	....		....	....	
	Natchez	....	1,180	....	....	[190]
	Alibamous	....	150		....	Alabama river, in the western parts of Georgia.
			600			

The following tribes are also mentioned:

Croghan's Catal.

Lezar	400	From the mouth of Ohio to the mouth of Wabash.
Webings	200	On the Missisipi below the Shakies.
Ousasoys, Grand Tuc	4,000	On White Creek, a branch of the Missisipi.
Linways	1,000	On the Missisipi.

Bouquet's.

Les Puans	700	Near Puans Bay.
Folle Avoine	350	Near Puans Bay.
Ouanakina	300	Conjectured to be tribes of the Creeks.
Chiakanessou	350	
Machecous	800	
Souikilas	200	

Dodge's.

Minneamis	2,000	North-west of Lake Michigan, to the heads of Missisipi, and up to Lake Superior.
Piankishas, Mascoutins, Vermillions,	800	On and near the Wabash toward the Illinois.

But apprehending these might be different appellations for some of the tribes already enumerated, I have not inserted them in the table, but state them separately as worthy of further inquiry. The variations observable in numbering the same tribe may sometimes be ascribed to imperfect information, and sometimes to a greater or less comprehension of settlements under the same name. [1] [191]

[1] "The Osweàtchies, Connosedàgoes and Cohunnegagoes, or, as they are commonly called, Caghnewàgos, are of the Mingo or Six Nation Indians, who, by the influence of the French missionaries, have been separated from their nation, and induced to settle there.

"I do not know of what nation the Augquàgahs are, but suspect they are a family of the Senecas.

"The Nanticocks and Conòies were formerly of a nation that lived at the head of Chesapeake bay, and who, of late years, have been adopted into the Mingo or Iroquois confederacy, and make a seventh nation. The Monacans or Tuscaroras, who were taken into the confederacy in 1712, making the sixth.

"The Saponies are families of the Wanamies, who removed from New-Jersey, and with the Mohiccons, Munsies, and Delawares, belonging to the Lenopi nation. The Mingos are a war colony from the Six Nations; so are the Cohunnewagos.

"Of the rest of the Northern tribes I never have been able to learn anything certain. But all accounts seem to agree in this, that there is a very powerful nation, distinguished by a variety of names taken from the several towns or families, but commonly called Tawas or Ottawas, who speak one language, and live round and on the waters that fall into the western lakes, and extend from the waters of the Ohio quite to the waters falling into Hudson's bay."—*Charles Thomson in Appendix.*

QUERY XII.

A notice of the counties, cities, townships, and villages?

The counties have been enumerated under Query IX. They are 74 in number, of very unequal size and population. Of these 35 are on the tide waters, or in that parallel; 23 are in the Midlands, between the tide waters and Blue ridge of mountains; 8 between the Blue ridge and Alleghaney; and 8 westward of the Alleghaney.

The state, by another division, is formed into parishes, many of which are commensurate with the counties; but sometimes a county comprehends more than one parish, and sometimes a parish more than one county. This division had relation to the religion of the state, a Parson of the Anglican church, with a fixed salary, having been heretofore established in each parish. The care of the poor was another object of the parochial division.

We have no townships. Our country being much intersected with navigable waters, [192] and trade brought generally to our doors, instead of our being obliged to go in quest of it, has probably been one of the causes why we have no towns of any consequence. Williamsburg, which, till the year 1780, was the seat of our government, never contained above 1800 inhabitants; and Norfolk, the most populous town we ever had, contained but 6000. Our towns, but more properly our villages or hamlets, are as follows.

On *James river* and its waters, Norfolk, Portsmouth, Hampton Suffolk, Smithfield, Williamsburg, Petersburg, Richmond, the seat of our government, Manchester, Charlottesville, New London.

On *York river* and its waters, York, Newcastle, Hanover.

On *Rappahannoc*, Urbanna, Portroyal, Fredericksburg, Falmouth.

On *Patowmac* and its waters, Dumfries, Colchester, Alexandria, Winchester, Staunton.

On the *Ohio*, Louisville.

There are other places at which, like some of the foregoing, the *laws* have said there shall be towns; but *Nature* has said there shall not, and they remain unworthy of enumeration. *Nor-*

folk will probably be the empo- [193] rium for all the trade of the Chesapeak bay and its waters ; and a canal of 8 or 10 miles will bring to it all that of Albermale sound and its waters. Secondary to this place, are the towns at the head of the tide waters, to wit, Petersburgh on Appamattox ; Richmond on James river ; Newcastle on York river ; Alexandria on Patowmac, and Baltimore on the Patapsco. From these the distribution will be to subordinate situations in the country. Accidental circumstances, however, may controul the indications of nature, and in no instance do they do it more frequently than in the rise and fall of towns.

QUERY XIII.

The constitution of the State and its several charters ?

Queen Elizabeth by her letters patent, bearing date March 25, 1584, licensed Sir Walter Raleigh to search for remote heathen lands, not inhabited by Christian people, and granted to him in fee simple, all the soil within 200 leagues of the places where his people should, within six years, make their dwellings or abid- [194] ings ; reserving only to herself and her successors, their allegiance and one fifth part of all the gold and silver ore they should obtain. Sir Walter immediately sent out two ships, which visited Wococon island in North Carolina, and the next year despatched seven with 107 men, who settled in Roanoke island about latitude 35°. 50′. Here Okisko, king of the Weopomeiocs, in a full council of his people is said to have acknowledged himself the homager of the Queen of England, and, after her, of Sir Walter Raleigh. A supply of 50 men were sent in 1586, and 150 in 1587. With these last Sir Walter sent a Governor, appointed him twelve assistants, gave them a charter of incorporation, and instructed them to settle on Chesapeak bay. They landed, however, at Hatorask. In 1588, when a fleet was ready to sail with a new supply of colonists and necessaries, they were detained by the Queen to assist against the Spanish armada. Sir Walter having now expended 40,000*l* in these enterprises, obstructed occasionally by the crown without a shilling of aid from it, was under a necessity of engaging others to adventure their money. He, therefore, by

deed bearing date the 7th of [195] March 1589, by the name of Sir Walter Raleigh, Chief Governor of Assamàcomòc, (probably Acomàc,) alias Wingadacoia, alias Virginia, granted to Thomas Smith and others, in consideration of their adventuring certain sums of money, liberty to trade to this new country free from all customs and taxes for seven years, excepting the fifth part of the gold and silver ore to be obtained ; and stipulated with them and the other assistants, then in Virginia, that he would confirm the deed of incorporation which he had given in 1587, with all the prerogatives, jurisdictions, royalties and privileges granted to him by the Queen. Sir Walter, at different times sent five other adventurers hither, the last of which was in 1602 ; for in 1603 he was attainted and put into close imprisonment, which put an end to his cares over his infant colony. What was the particular fate of the colonists he had before sent and seated, has never been known ; whether they were murdered, or incorporated with the savages.

Some gentlemen and merchants, supposing that by the attainder of Sir Walter Raleigh the grant to him was forfeited, not enquiring over carefully whether the sentence of an [196] English court could affect lands not within the jurisdiction of that court, petitioned king James for a new grant of Virginia to them. He accordingly executed a grant to Sir Thomas Gates and others, bearing date the 9th of March, 1607, under which, in the same year, a settlement was affected at Jamestown, and ever after maintained. Of this grant, however, no particular notice need be taken, as it was superceded by letters patent of the same king, of May 23, 1609, to the Earl of Salisbury and others, incorporating them by the name of 'The Treasurer and company of Adventurers and Planters of the City of London for the first colony in Virginia,' granting to them and their successors all the lands in Virginia from Point Comfort along the sea-coast, to the northward 200 miles, and from the same point along the sea coast to the southward two hundred miles, and all the space from this precinct on the sea coast up into the land, West and North west, from sea to sea, and the islands within one hundred miles of it, with all the commodities, jurisdictions, royalties, privileges, franchises, and pre-eminences, within the same, and thereto and thereabouts, by

sea and land, appertain-[197] ing in as ample manner as had before been granted to any adventurer ; to be held of the king and his successors, in common soccage, yielding one-fifth part of the gold and silver ore to be therein found, for all manner of services ; establishing a council in England for the direction of the enterprise, the members of which were to be chosen and displaced by the voice of the majority of the company and adventurers, and were to have the nomination and revocation of the governors, officers, and ministers, which by them should be thought needful for the colony, the power of establishing laws and forms of government and magistracy, obligatory not only within the colony, but also on the seas in going and coming to and from it ; authorizing them to carry thither any persons who should consent to go, freeing them forever from all taxes and impositions on any goods or merchandise on importation into the colony, or exportation out of it, except the five per cent. due for custom on all goods imported into the British dominions, according to the ancient trade of merchants ; which five per cent. only being paid they might, within 13 months, re-export the same goods [198] into foreign parts, without any custom, tax, or other duty, to the king or any his officers, or deputies ; with powers of waging war against those who should annoy them ; giving to the inhabitants of the colony all the rights of natural subjects, as if born and abiding in England ; and declaring that these letters should be construed, in all doubtful parts, in such manner as should be most for the benefit of the grantees.

Afterwards on the 12th of March 1612, by other letters patent, the king added to his former grants, all islands in any part of the ocean between the 30th and 41st degrees of latitude, and within 300 leagues of any of the parts before granted to the treasurer and company not being possessed or inhabited by any other Christian prince or state, nor within the limits of the northern colony.

In pursuance of the authorities given to the company by these charters, and more especially of that part in the charter of 1609, which authorized them to establish a form of government, they on the 24th of July 1621, by charter under their common seal, declared that from thence forward there should be two supreme councils in Virginia, the one [199] to be called the council of

state, to be placed and displaced by the treasurer, council in England, and company from time to time, whose office was to be that of assisting and advising the governor; the other to be called the general assembly, to be convened by the governor once yearly or oftener, which was to consist of the council of state, and two burgesses out of every town, hundred, or plantation, to be respectively chosen by the inhabitants. In this all matters were to be decided by the greater part of the votes present; reserving to the governor a negative voice; and they were to have power to treat, consult, and conclude all emergent occasions concerning the public weal, and to make laws for the behoof and government of the colony, imitating and following the laws and policy of England as nearly as might be; providing that these laws should have no force till ratified in a general quarter court of the company in England, and returned under their common seal; and declaring that, after the government of the colony should be well framed and settled, no orders of the council in England should bind the colony unless ratified in the said [200] general assembly. The king and company quarrelled, and by a mixture of law and force, the latter were ousted of all their rights without retribution, after having expended 100,000£ in establishing the colony, without the smallest aid from government. King James suspended their powers by proclamation of July 15, 1624, and Charles I. took the government into his own hands. Both sides had their partisans in the colony: but, in truth, the people of the colony in general thought themselves little concerned in the dispute. There being three parties interested in these several charters, what passed between the first and second, it was thought could not affect the third. If the king seized on the powers of the company, they only passed into other hands, without increase or diminution, while the rights of the people remained as they were. But they did not remain so long. The northern parts of their country were granted away to the lords Baltimore and Fairfax; the first of these obtaining also the rights of separate jurisdiction and government. And in 1650 the parliament, considering itself as standing in the place of their deposed king, and as having succeeded [201] to all his powers, without as well as within the realm, began to assume a right over the colonies, passing an act for inhibiting their trade

with foreign nations. This succession to the exercise of kingly authority gave the first color for parliamentary interference with the colonies, and produced that fatal precedent which they continued to follow, after they had retired, in other respects, within their proper functions. When this colony, therefore, which still maintained its opposition to Cromwell and the parliament, was induced in 1651 to lay down their arms, they previously secured their most essential rights by a solemn convention, which, having never seen in print, I will here insert literally from the records.

"ARTICLES agreed on & concluded at James Cittie in Virginia for the surrendering and settling of that plantation under ye obedience and government of the commonwealth of England by the commissioners of the Councill of State by authoritie of the parliamt of England, and by the Grand assembly of the Governour, Councill, & Burgesses of that countrey. [202]

"First it is agreed & consted that the plantation of Virginia, & all the inhabitants thereof, shall be and remaine in due obedience and subjection to the Comonwealth of England, according to ye lawes there established, and that this submission and subscription bee acknowledged a voluntary act not forced nor constrained by a conquest upon the countrey, and that they shall have and enjoy such freedoms and priviledges as belong to the free borne people of England, and that the former government by the Commissions and Instructions be void and null.

"2ly. Secondly, that the Grand assembly as formerly shall convene & transact the affairs of Virginia, wherein nothing is to be acted or done contrairie to the government of the Comonwealth of England & the lawes there established.

"3ly, That there shall be a full and totall remission and indempnitie of all acts, words, or writeings done or spoken against the parliament of England in relation to the same.

"4ly, That Virginia shall have & enjoy ye antient bounds and lymitts granted by [203] the charters of the former kings, and that we shall seek a new charter from the parliament to that purpose against any that have intrencht upon ye rights thereof.

"5ly, That all the pattents of land granted under the collony seale by any of the precedent governours shall be & remaine in their full force & strength.

"6ly, That the priviledge of haveing ffiftie acres of land for every person transported in that collonie shall continue as formerly granted.

"7ly, That ye people of Virginia have free trade as ye people of England do enjoy to all places and with all nations according to ye lawes of that commonwealth, and that Virginia shall enjoy all priviledges equall with any English plantations in America.

"8ly, That Virginia shall be free from all taxes, customs & impositions what-

soever, & none to be imposed on them without consent of the Grand assembly. And soe that neither fforts nor castles bee erected or garrisons maintained without their consent.

"9ly, That noe charge shall be required from this country in respect of this present ffleet. [204]

"10ly, That for the future settlement of the countrey in their due obedience, the Engagement shall be tendred to all ye inhabitants according to act of parliament made to that purpose, that all persons who shall refuse to subscribe the said engagement, shall have a yeare's time if they please to remove themselves and their estates out of Virginia, & in the meantime during the said yeare to have equall justice as formerly.

"11ly, That ye use of the booke of common prayer shall be permitted for one yeare ensueinge with referrence to the consent of ye major part of the parishes, provided that those which relate to kingshipp or that government be not used publiquely, and the continuance of ministers in their places, they not misdemeaning themselves, and the payment of their accustomed dues and agreements made with them respectively shall be left as they now stand dureing this ensueing yeare.

"12ly, That no man's cattell shall be questioned as ye companies, unles such as have been entrusted with them or have disposed of them without order. [205]

"13ly, That all ammunition, powder and armes, other than for private use, shall be delivered up, securitie being given to make satisfaction for it.

"14ly, That all goods all readie brought hither by ye Dutch or others which are now on shoar shall be free from surprizall.

"15ly, That the quittrents granted unto us by the late kinge for seaven yeares bee confirmed.

"16ly, That ye commissioners for the parliament subscribeing these articles engage themselves & the honour of parliament for the full performance thereof: and that the present governour, & ye councill, and the burgesses do likewise subscribe and engage the whole collony on their parts.

RICH. BENNETT.—Seale.
WM. CLAIBORNE.—Seale.
EDMOND CURTIS.—Seale.

"Theise articles were signed and sealed by the Commissioners of the Councill of state for the Commonwealth of England the twelveth day of March 1651."

Then follow the articles stipulated by the governor and council, which relate merely [206] to their own persons and property, and then the ensuing instrument:

"An act of indempnitie made att the surrender of the countrey.

"Whereas, by the authoritie of the parliament of England wee the commissioners appointed by the councill of state authorized thereto, having brought a

ffleet and force before James cittie in Virginia to reduce that collonie under the obedience of the commonwealth of England, and finding force raised by the Governour and countrey to make opposition against the said ffleet, whereby assured danger appearinge of the ruine and destruction of the plantation, for prevention whereof the burgesses of all the severall plantations being called to advise and assist therein, uppon long and serious debate, and in sad contemplation of the greate miseries and certaine destruction which were soe neerely hovering over the whole countrey; Wee the said Commissioners have thought fitt and condescending and granted to signe and confirme under our hands, seales and by our oath, Articles bearing date with theise presents, and do further declare that by the authoritie of the par-[207]liament and commonwealth of England derived unto us their commissioners, that according to the articles in generall wee have granted an act of indempnitie and oblivion to all the inhabitants of this colloney from all words, actions, or writings that have been spoken acted or writt against the parliament or comonwealth of England or any other person from the beginning of the world to this daye. And this we have done that all the inhabitants of the collonie may live quietly and securely under the comonwealth of England. And we do promise that the parliament and commonwealth of England shall confirm and make good all those transactions of ours. Witenes our hands and seales this 12th of March 1651.

RICHARD BENNETT.—Seale.
WILLIAM CLAIBORNE.—Seale.
EDMOND CURTIS.—Seale.

The colony supposed, that, by this solemn convention, entered into with arms in their hands, they had secured the antient limits[1] of their country, its free trade,[2] its exemption from taxation[3] but by their own [208] assembly, and exclusion of military force[4] from among them. Yet in every of these points was this convention violated by subsequent kings and parliaments, and other infractions of their constitution, equally dangerous, committed. Their General Assembly, which was composed of the council of state and burgesses, sitting together and deciding by plurality of voices, was split into two houses, by which the council obtained a separate negative on their laws. Appeals from their supreme court, which had been fixed by law in their general assembly, were arbitrarily revoked to England, to be there heard before the king and council. Instead of four hundred miles on the seacoast, they were reduced, in the space of thirty years, to about one hundred miles. Their trade with foreigners was totally

[1] Art. 4.—*T. J.*
[2] Art. 7.—*T. J.*
[3] Art. 8.—*T. J.*
[4] Art. 8.—*T. J.*

suppressed, and when carried to Great Britain, was there loaded with imposts. It is unnecessary, however, to glean up the several instances of injury, as scattered through American and British history, and the more especially as, by [209] passing on to the accession of the present king, we shall find specimens of them all, aggravated, multiplied and crouded within a small compass of time, so as to evince a fixed design of considering our rights natural, conventional and chartered as mere nullities. The following is an epitome of the first sixteen years of his reign. The colonies were taxed internally and externally ; their essential interests sacrificed to individuals in Great Britain; their legislatures suspended ; charters annulled ; trials by juries taken away ; their persons subjected to transportation across the Atlantic, and to trial before foreign judicatories ; their supplications for redress thought beneath answer ; themselves published as cowards in the councils of their mother country and courts of Europe ; armed troops sent among them to enforce submission to these violences ; and actual hostilities commenced against them. No alternative was presented but resistance, or unconditional submission. Between these could be no hesitation. They closed in the appeal to arms. They declared themselves independent states. They confederated together into one great republic ; thus securing to [210] every state the benefit of an union of their whole force. In each state separately a new form of government was established. Of ours particularly the following are the outlines. The executive powers are lodged in the hands of a governor, chosen annually, and incapable of acting more than three years in seven. He is assisted by a council of eight members. The judiciary powers are divided among several courts, as will be hereafter explained. Legislation is exercised by two houses of assembly, the one called the house of Delegates, composed of two members from each county, chosen annually by the citizens, possessing an estate for life in 100 acres of uninhabited land, or 25 acres with a house on it, or in a house or lot in some town : the other called the Senate, consisting of 24 members, chosen quadrennially by the same electors, who for this purpose are distributed into 24 districts. The concurrence of both houses is necessary to the passage of a law. They have the

appointment of the governor and council, the judges of the superior courts, auditors, attorney general, treasurer, register of the land office, and delegates to congress. As the dismemberment of the state had never had its con-[211]firmation, but, on the contrary, had always been the subject of protestation and complaint, that it might never be in our own power to raise scruples on that subject, or to disturb the harmony of our new confederacy, the grants to Maryland, Pennsylvania and the two Carolinas were ratified.

This constitution was formed when we were new and unexperienced in the science of government. It was the first, too, which was formed in the whole United States. No wonder then that time and trial have discovered very capital defects in it.

1. The majority of the men in the state, who pay and fight for its support, are unrepresented in the legislature, the roll of freeholders entitled to vote, not including generally the half of those on the roll of the militia, or of the tax-gatherers.

2. Among those who share the representation, the shares are very unequal. Thus the county of Warwick, with only one hundred fighting men, has an equal representation with the county of Loudon, which has 1746. So that every man in Warwick has as much influence in the government as 17 men in Loudon. But lest it should be thought that an equal interspersion of small among large coun-[212]ties, through the whole state, may prevent any danger of injury to particular parts of it, we will divide it into districts, and shew the proportions of land, of fighting men, and of representation in each :

	Square miles.	Fighting men.	Delegates.	Senators.
Between the sea-coast and falls of the rivers	[1] 11,205	19,012	71	12
Between the falls of the rivers and Blue Ridge of mountains. .	18,759	18,828	46	8
Between the Blue Ridge and the Alleghany	11,911	7,673	16	2
Between the Alleghany and Ohio	[2] 79,650	4,458	16	2
Total . . .	121,525	49,971	149	24

[1] Of these, 542 are on the eastern shore.—*T. J.*

[2] Of these, 22,616 are Eastward of the meridian of the mouth of the Great Kanhaway.—*T. J.*

An inspection of this table will supply the place of commentaries on it. It will appear at once that nineteen thousand men, living below the falls of the rivers, possess half of the senate, and want four members only of possessing a majority of the house of delegates; a want more than supplied by the vicinity of their situation to the seat of government, and of course the greater degree of convenience and punctuality with which [213] their members may and will attend in the legislature. These nineteen thousand, therefore, living in one part of the country, give law to upwards of thirty thousand living in another, and appoint all their chief officers executive and judiciary. From the difference of their situation and circumstances, their interests will often be very different.

3. The senate is, by its constitution, too homogenous with the house of delegates. Being chosen by the same electors, at the same time, and out of the same subjects, the choice falls of course on men of the same description. The purpose of establishing different houses of legislation is to introduce the influence of different interests or different principles. Thus in Great Britain it is said their constitution relies on the house of commons for honesty, and the lords for wisdom; which would be a rational reliance, if honesty were to be bought with money, and if wisdom were hereditary. In some of the American States, the delegates and senators are so chosen, as that the first represent the persons, and the second the property of the State. But with us, wealth and wisdom have equal chance for admission into both houses. We do not [214], therefore, derive from the separation of our legislature into two houses, those benefits which a proper complication of principles is capable of producing, and those which alone can compensate the evils which may be produced by their dissensions.

4. All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice. As little

will it avail us that they are chosen by ourselves. An *elective despotism* was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason that convention, which passed the ordinance of government, [215] laid its foundation on this basis, that the legislative, executive and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers. The judiciary and executive members were left dependent on the legislative, for their subsistence in office, and some of them for their continuance in it. If therefore the legislature assumes executive and judiciary powers, no opposition is likely to be made ; nor, if made, can it be effectual ; because in that case they may put their proceedings into the form of an act of assembly, which will render them obligatory on the other branches. They have accordingly in many instances, decided rights which should have been left to judiciary controversy : and the direction of the executive, during the whole time of their session, is becoming habitual and familiar. And this is done with no ill intention. The views of the present members are perfectly upright. When they are led out of their regular province, it is by art in others, and inadvertence in themselves. And this will probably be the case for some [216] time to come. But it will not be a very long time. Mankind soon learn to make interested uses of every right and power which they possess, or may assume. The public money and public liberty, intended to have been deposited with three branches of magistracy, but found inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to those who hold them ; distinguished, too, by this tempting circumstance, that they are the instrument, as well as the object, of acquisition. With money we will get men, said Cæsar, and with men we will get money. Nor should our assembly be deluded by the integrity of their own purposes, and conclude that these unlimited powers will never be abused, because themselves are not

disposed to abuse them. They should look forward to a time, and that not a distant one, when a corruption in this, as in the country from which we derive our origin, will have seized the heads of government, and be spread by them through the body of the people; when they will purchase the voices of the people, and make them pay the price. Human nature is the same on every side of the Atlan-[217]tic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny, is before they shall have gotten hold of us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered. To render these considerations the more cogent, we must observe in addition:

5. That the ordinary legislature may alter the constitution itself. On the discontinuance of assemblies, it became necessary to substitute in their place some other body, competent to the ordinary business of government, and to the calling forth the powers of the State for the maintenance of our opposition to Great Britain. Conventions were therefore introduced, consisting of two delegates from each county, meeting together and forming one house, on the plan of the former house of Burgesses, to whose places they succeeded. These were at first chosen anew for every particular session. But in March 1775, they recommended to the people to choose a convention, which should continue in office a year. This was done, accordingly, in April 1775, and in the July following that convention passed an ordinance for the election of delegates in the month of April annually. It is well known, that in July 1775, a separation from Great Britain and establishment of republican government, had never yet entered into any person's mind. A convention, therefore, chosen under that ordinance, cannot be said to have been chosen for the purposes which certainly did not exist in the minds of those who passed it. Under this ordinance, at the annual election in April 1776, a convention for the year was chosen. Independance, and the establishment of a new form of government, were not even yet the objects of the people at large. One extract from the pamphlet called Common sense had appeared in the Virginia papers in February, and copies of the

pamphlet itself had got in a few hands.[1] But the idea had not been opened to the mass of the people in April, much less can it be said that they had made up their minds in its favor.[2] So that the electors of April 1776, no more than the legislators of July 1775, not thinking of independance and a permanent republic, could not mean to vest in these delegates powers of establishing them, or any authorities other than those of the ordinary [219] legislature. So far as a temporary organization of government was necessary to render our opposition energetic, so far their organization was valid. But they received in their creation no powers but what were given to every legislature before and since. They could not, therefore, pass an act transcendent to the powers of other legislatures. If the present assembly pass an act, and declare it shall be irrevocable by subsequent assemblies, the declaration is merely void, and the act repealable, as other acts are. So far, and no farther authorized, they organized the government by the ordinance entituled a Constitution or Form of government. It pretends to no higher authority than the other ordinance of the same session; it does not say that it shall be perpetual; that it shall be unalterable by other legislatures; that it shall be transcendent above the powers of those who they knew would have equal power with themselves. Not only the silence of the instrument is a proof they thought it would be alterable, but their own practice also; for this very convention, meeting as a House of Delegates in General assembly with the Senate in the autumn of that year, [220] passed acts of assembly in contradiction to their ordinance of government; and every assembly from that time to this has done the same. I am

[1] Yet in the advertisement of the second edition of Paine's *Common Sense*, in the *Pennsylvania Evening Post* of Jan. 25, 1776, is stated: "several hundreds are already bespoke, one thousand for Virginia."

[2] This statement is hardly borne out by Jefferson's statement at the time, for he wrote to Thomas Nelson from Philadelphia, May 16, 1776: "I wish much to see you here, yet hope you will contrive to bring on as early as you can in convention the great questions of the session. I suppose they will tell us what to say on the subject of independence, but hope respect will be expressed to the right of opinion in other colonies who may happen to differ from them. When at home I took great pains to enquire into the sentiments of the people on that head, in the upper counties I think I may safely say nine out of ten are for it."

safe therefore in the position that the constitution itself is alterable by the ordinary legislature. Though this opinion seems founded on the first elements of common sense, yet is the contrary maintained by some persons. I. Because, say they, the conventions were vested with every power necessary to make effectual opposition to Great Britain. But to complete this argument, they must go on, and say further, that effectual opposition could not be made to Great Britain without establishing a form of government perpetual and unalterable by the legislature; which is not true. An opposition which at some time or other was to come to an end, could not need a perpetual institution to carry it on: and a government amendable as its defects should be discovered, was as likely to make effectual resistance, as one that should be unalterably wrong. Besides, the assemblies were as much vested with all powers requisite for resistance as the Conventions were. If therefore these powers included that of modelling the form [221] of government in the one case, they did so in the other. The assemblies then as well as the conventions may model the government; that is, they may alter the ordinance of government. 2. They urge that if the convention had meant that this instrument should be alterable, as their other ordinances were, they would have called it an ordinance; but they have called it a *constitution*, which, ex vi termini, means "an act above the power of the ordinary legislature." I answer that *constitutio*, *constitutum*, *statutum*, *lex*, are convertible terms. "*Constitutio* dicitur jus quod a principe conditur." "*Constitutum*, quod ab imperatoribus rescriptum statutumve est." "*Statutum*, idem quod lex." Calvini Lexicon juridicum. *Constitution* and *statute* were originally terms of the[1] civil law, and from thence introduced by Ecclesiastics into the English law. Thus in the statute 25 Hen. VIII. c. 19, §. 1, "*Constitutions* and *ordinances*" are used as synonimous. The term *constitution* has many [222] other significations in physics and politics; but in Jurisprudence, whenever it is applied to any act of the legislature, it invariably means a statute, law, or ordinance, which is the present case. No inference then of a different meaning can be drawn from the adoption of this title: on the contrary,

[1] To bid, to set, was the ancient legislative word of the English. Ll. Hlotharri and Eadrici. Ll. Inæ. Ll. Eadwerdi. Ll. Æthelstani.—*T. J.*

we might conclude that, by their affixing to it a term synonimous with ordinance or statute, they meant it to be an ordinance or statute. But of what consequence is their meaning, where their power is denied? If they meant to do more than they had power to do, did this give them power? It is not the name, but the authority which renders an act obligatory. Lord Coke says, 'an article of the statute, 11. R. II. c. 5. that no person should attempt to revoke any ordinance then made, is repealed, for that such restraint is against the jurisdiction and power of the parliament.' 4. inst. 42. and again, 'though divers parliaments have attempted to restrain subsequent parliaments, yet could they never effect it; for the latter parliament hath ever power to abrogate, suspend, qualify, explain, or make void the former in the whole or in [223] any part thereof, notwithstanding any words of restraint, prohibition, or penalty, in the former; for it is a maxim in the laws of the parliament, 'quod leges posteriores priores contrarias abrogant.' 4. inst. 43.—To get rid of the magic supposed to be in the word *constitution*, let us translate it into its definition as given by those who think it above the power of the law; and let us suppose the convention, instead of saying, 'We the ordinary legislature, establish a *constitution*,' had said, 'We the ordinary legislature, establish an act *above the power of the ordinary legislature*.' Does not this expose the absurdity of the attempt? 3. But, say they, the people have acquiesced, and this has given it an authority superior to the laws. It is true that the people did not rebel against it: and was that a time for the people to rise in rebellion? Should a prudent acquiescence, at a critical time, be construed into a confirmation of every illegal thing done during that period? Besides, why should they rebel? At an annual election they had chosen delegates for the year, to exercise the ordinary powers of legislation, and to manage the great contest in which they were engaged. These [224] delegates thought the contest would be best managed by an organized government. They therefore, among others, passed an ordinance of government. They did not presume to call it perpetual and unalterable. They well knew they had no power to make it so; that our choice of them had been for no such purpose, and at a time when we could have no such purpose in contemplation. Had an

unalterable form of government been meditated, perhaps we should have chosen a different set of people. There was no cause then for the people to rise in rebellion. But to what dangerous lengths will this argument lead? Did the acquiescence of the colonies under the various acts of power exercised by Great Britain in our infant state, confirm these acts, and so far invest them with the authority of the people as to render them unalterable, and our present resistance wrong? On every unauthoritative exercise of power by the legislature must the people rise in rebellion, or their silence be construed into a surrender of that power to them? If so, how many rebellions should we have had already? One certainly for every session of assembly. The other states in the union have been of opi-[225]nion that to render a form of government unalterable by ordinary acts of assembly, the people must delegate persons with special powers. They have accordingly chosen special conventions to form and fix their governments. The individuals then who maintain the contrary opinion in this country, should have the modesty to suppose it possible that they may be wrong, and the rest of America right. But if there be only a possibility of their being wrong, if only a plausible doubt remains of the validity of the ordinance of government, is it not better to remove that doubt by placing it on a bottom which none will dispute? If they be right we shall only have the unnecessary trouble of meeting once in convention. If they be wrong, they expose us to the hazard of having no fundamental rights at all. True it is, this is no time for deliberating on forms of government. While an enemy is within our bowels, the first object is to expel him. But when this shall be done, when peace shall be established, and leisure given us for intrenching within good forms, the rights for which we have bled, let no man be found indolent enough to de-[226]cline a little more trouble for placing them beyond the reach of question. If anything more be requisite to produce a conviction of the expediency of calling a convention at a proper season to fix our form of government, let it be the reflection:

6. That the assembly exercises a power of determining the quorum of their own body which may legislate for us. After the establishment of the new form they adhered to the *Lex majoris*

partis, founded in [1] common law as well as common right. It is the [2] natural law of every assembly of men, whose numbers are not fixed by any other law. They continued for some time to require the presence of a majority of their whole number, to pass an act. But the British parliament fixes its own quorum; our former assemblies fixed their own quorum; and one precedent in favor of power is stronger than an hundred against it. The house of delegates, therefore, have [3] lately voted that, dur-[227]ing the present dangerous invasion, forty members shall be a house to proceed to business. They have been moved to this by the fear of not being able to collect a house. But this danger could not authorize them to call that a house which was none; [4] and if they may fix it at one number, they may at another, till it loses its fundamental character of being a representative body. As this vote expires with the present invasion, it is probable the former rule will be permitted to revive; because at present no ill is meant. The power, however, of fixing their own quorum has been avowed, and a precedent set. From forty it may be reduced to four, and from four to one; from a house to a committee, from a committee to a chairman or speaker, and thus an oligarchy or monarchy be substituted under forms supposed to be regular. 'Omnia mala exempla ex bonis orta sunt; sed ubi imperium ad ignaros aut minus bonos pervenit, novum illud exemplum ab dignis et idoneis ad indignos et non idoneos fertur.' When, therefore, it is considered, that there is no legal obstacle to the assumption by the assembly of all the powers legislative, executive, and judiciary, [228] and that these may come to the

[1] Bro. Abr. Corporations, 31, 34. Hakewell, 93.—*T. J.*

[2] Puff. Off. hom. L. 2, c. 6, §. 12.—*T. J.*

[3] June 4, 1781.—*T. J.*

[4] In the original proof-sheets of the *Notes*, now in the New York State Library, this passage reads: "But they might as well have voted that a square inch of linen should be sufficient to make them a shirt, and walk into public view in confidence of being covered by it. Nor would it make the shirt bigger, that they could get no more linen." The comparison seemed too strong apparently, and all the words after "But," are stricken out, and in place is inserted in MS. "this danger could not authorize them to call that a house which was none; and if they could fix it at one number, they may at another, till it loses its fundamental character of being a representative body."

hands of the smallest rag of delegation, surely the people will say, and their representatives, while yet they have honest representatives, will advise them to say, that they will not acknowledge as laws any acts not considered and assented to by the major part of their delegates.

In enumerating the defects of the constitution, it would be wrong to count among them what is only the error of particular persons. In December 1776, our circumstances being much distressed, it was proposed in the house of delegates to create a *dictator*, invested with every power legislative, executive, and judiciary, civil and military, of life and of death, over our persons and over our properties : and in June 1781,[1] again under calamity, the same proposition was repeated, and wanted a few votes only of being passed.[2]—One who entered into this contest from a pure

[1] "The delegates were then sitting at Staunton, and had voted that 40 of their number should make a house. There were between 40 and 50 present when the motion for the dictator was made, and it was rejected by a majority of 6 only."—*Note in edition of 1853.*

[2] This story of a dictator was later the subject of controversy. It was first reintroduced to injure Patrick Henry in the political heats of 1798–9, by suggesting him as the proposed dictator. This was at once denied by the Henry adherents, and later Wirt again did so in his Life of Henry. As some of these denials went further than the mere question of the *personnel* of the dictator, Jefferson endeavored later to obtain accounts of what actually passed, by writing to different friends. In reply to one of these inquiries, Archibald Stuart wrote him (Sparks MSS., Harvard College) from Staunton, Sept. 8, 1818 :

"Dear Sir,—I presume you have seen Mr Wirt's Sketches of the life of Patrick Henry ; and that he denies Mr H. favored the project of Establishing a Dictator during the revolutionary War.—Even doubts respecting events of such recent date tend greatly to impair the credit of History. There are many now living who witnessed the part Mr Henry took on that subject.—After the Assembly was dispersed at Charlottesville in the year 1781 it met in Staunton where Mr Geo. Nicholas a member of that body proposed that a Dictator be established in this Commonwealth who should have the power of disposing of the lives and fortunes of the Citizens thereof without being subject to account.—In support of this resolution he observed that the Country was overrun by the Enemy and that the Operation of the Govt was nearly suspended:—That although the powers proposed to be conferred were very great the character he proposed to fill the office would remove all apprehensions arising from the abuse of them—That this character was Genl Washington—That he was our fellow citizen, that we had a right to command his services and that he had no

love of liberty, and a sense of injured rights, who determined to make every sacrifice, and to meet every danger, for the re-establishment of those rights on a firm basis, who did not mean to expend his blood and substance for the wretched pur- [229] pose of changing this master for that, but to place the powers of governing him in a plurality of hands of his own choice, so that the corrupt will of no one man might in future oppress him, must stand confounded and dismayed when he is told, that a considerable portion of that plurality had meditated the surrender of them into a single hand, and, in lieu of a limited monarch, to deliver him over to a despotic one! How must he[1] find his efforts and sacrifices abused and baffled, if he may still, by a single vote, be laid prostrate at the feet of one man! In God's name, from whence have they derived this power? Is it from our ancient laws? None such can be produced. Is it from any principle in our new constitution expressed or implied? Every lineament of that ex-

doubt but that on such an Occasion he would obey the call of his country.—In the course of his speech he refered to the practice of the Romans on similar occasions. After M[r] Nicholas sat down M[r] Henry addressed the Chair; he observed it was immaterial to him whether the Officer proposed was called a Dictator or a Governor with enlarged powers or by any other name yet surely an officer armed with such powers was necessary to restrain the unbridled fury of a licentious enemy and concluded by seconding the Motion.—

"On the other hand it was contended by Mann Page from Spottsylvania and several other Members;—That our Affairs were not desperate, That the pressure we felt was but temporary, That the Gov[t] was still efficient, That the spirit of the people was unbroken, That it was unbecoming in their representatives to damp their ardor by an Act of despair—That they had equal confidence with the mover of the resolution in the Integrity of Gen[l] Washington, but that he nor no other man ought to be armed with such unlimited powers.—That they well know he would not accept the office—That if he was willing to accept it, he was better employed at the head of the Army than in the exercise of powers which would render him odious to the people—After a lengthy discussion the proposition was negatived.—

"I was present at this discussion and could easily discover that the proposition was not relished by the people. Their feelings were of a different character; had the enemy advanced they would have risen in mass to repel them.—

"I communicated these facts to you shortly after they took place.—

"I am yours most sincerely

"ARCH: STUART."

[1] Altered to "we" in edition of 1787.

pressed or implied, is in full opposition to it. Its fundamental principle is, that the state shall be governed as a commonwealth. It provides a republican organization, proscribes under the name of *prerogative* the exercise of all powers undefined by the laws; places on this basis the whole system of our laws; and by consolidating them together, chooses that they shall be left to stand or fall together, never [230] providing for any circumstances, nor admitting that such could arise, wherein either should be suspended; no, not for a moment. Our antient laws expressly declare, that those who are but delegates themselves shall not delegate to others powers which require judgment and integrity in their exercise.—Or was this proposition moved on a supposed right in the movers, of abandoning their posts in a moment of distress? The same laws forbid the abandonment of that post, even on ordinary occasions; and much more a transfer of their powers into other hands and other forms, without consulting the people. They never admit the idea that these, like sheep or cattle, may be given from hand to hand without an appeal to their own will.—Was it from the necessity of the case? Necessities which dissolve a government, do not convey its authority to an oligarchy or a monarchy. They throw back, into the hands of the people, the powers they had delegated, and leave them as individuals to shift for themselves. A leader may offer, but not impose himself, nor be imposed on them. Much less can their necks be submitted to his sword, their breath be held at his will or caprice. [231] The necessity which should operate these tremendous effects should at least be palpable and irresistible. Yet in both instances, where it was feared, or pretended with us, it was belied by the event. It was belied, too, by the preceding experience of our sister states, several of whom had grappled through greater difficulties without abandoning their forms of government. When the proposition was first made, Massachusets had found even the government of committees sufficient to carry them through an invasion. But we at the time of that proposition, were under no invasion. When the second was made, there had been added to this example those of Rhode-Island, New-York, New-Jersey, and Pennsylvania, in all of which the republican form had been found equal to the task of carrying them

through the severest trials. In this state alone did there exist so little virtue, that fear was to be fixed in the hearts of the people, and to become the motive of their exertions, and the principle of their government? The very thought alone was treason against the people; was treason against mankind in general; as rivetting forever the chains which bow down their necks, by gi- [232] ving to their oppressors a proof, which they would have trumpeted through the universe, of the imbecility of republican government, in times of pressing danger, to shield them from harm. Those who assume the right of giving away the reins of government in any case, must be sure that the herd, whom they hand on to the rods and hatchet of the dictator, will lay their necks on the block when he shall nod to them. But if our assemblies supposed such a resignation in the people, I hope they mistook their character. I am of opinion, that the government, instead of being braced and invigorated for greater exertions under their difficulties, would have been thrown back upon the bungling machinery of county committees for administration, till a convention could have been called, and its wheels again set into regular motion. What a cruel moment was this for creating such an embarrassment, for putting to the proof the attachment of our countrymen to republican government! Those who meant well, of the advocates for this measure, (and most of them meant well, for I know them personally, had been their fellow-labourers in the common cause, and had [233] often proved the purity of their principles,) had been seduced in their judgment by the example of an antient republic, whose constitution and circumstances were fundamentally different. They had sought this precedent in the history of Rome, where alone it was to be found, and where at length, too, it had proved fatal. They had taken it from a republic rent by the most bitter factions and tumults, where the government was of a heavy-handed unfeeling aristocracy, over a people ferocious, and rendered desperate by poverty and wretchedness; tumults which could not be allayed under the most trying circumstances, but by the omnipotent hand of a single despot. Their constitution, therefore, allowed a temporary tyrant to be erected, under the name of a Dictator; and that temporary tyrant, after a few examples, became perpetual. They misap-

plied this precedent to a people mild in their dispositions, patient under their trial, united for the public liberty, and affectionate to their leaders. But if from the constitution of the Roman government there resulted to their Senate a power of submitting all their rights to the will of one man, does it follow that [234] the assembly of Virginia have the same authority? What clause in our constitution has substituted that of Rome, by way of residuary provision, for all cases not otherwise provided for? Or if they may step ad libitum into any other form of government for precedents to rule us by, for what oppression may not a precedent be found in this world of the bellum omnium in omnia? Searching for the foundations of this proposition, I can find none which may pretend a colour of right or reason, but the defect before developed, that there being no barrier between the legislative, executive, and judiciary departments, the legislature may seize the whole: that having seized it, and possessing a right to fix their own quorum, they may reduce that quorum to one, whom they may call a chairman, speaker, dictator, or by any other name they please.—Our situation is indeed perilous, and I hope my countrymen will be sensible of it, and will apply, at a proper season, the proper remedy; which is a convention to fix the constitution, to amend its defects, to bind up the several branches of government by certain laws, which, when they transgress, their acts shall [235] become nullities; to render unnecessary an appeal to the people, or in other words a rebellion, on every infraction of their rights, on the peril that their acquiescence shall be construed into an intention to surrender those rights.

QUERY XIV.

The administration of justice and the description of the laws?

The state is divided into counties. In every county are appointed magistrates, called justices of the peace, usually from eight to thirty or forty in number, in proportion to the size of the county, of the most discreet and honest inhabitants. They are nominated by their fellows, but commissioned by the governor, and act without reward. These magistrates have jurisdiction both criminal and

civil. If the question before them be a question of law only, they decide on it themselves; but if it be a fact, or of fact and law combined, it must be referred to a jury. In the latter case, of a combination of law and fact, it is usual for the jurors to decide [236] the fact, and to refer the law arising on it to the decision of the judges. But this division of the subject lies with their discretion only. And if the question relate to any point of public liberty, or if it be one of those in which the judges may be suspected of bias, the jury undertake to decide both law and fact. If they be mistaken, a decision against right, which is casual only, is less dangerous to the state, and less afflicting to the loser, than one which makes part of a regular and uniform system. In truth, it is better to toss up cross and pile in a cause, than to refer it to a judge whose mind is warped by any motive whatever, in that particular case. But the common sense of twelve honest men gives still a better chance of just decision, than the hazard of cross and pile. These judges execute their process by the sheriff or coroner of the county, or by constables of their own appointment. If any free person commit an offence against the commonwealth, if it be below the degree of felony, he is bound by a justice to appear before their court, to answer it on indictment or information. If it amount to felony, he is committed to jail; a court of these justices [237] is called; if they on examination think him guilty, they send him to the jail of the general court, before which court he is to be tried first by a grand jury of 24, of whom 13 must concur in opinion; if they find him guilty, he is then tried by a jury of 12 men of the county where the offence was committed, and by their verdict, which must be unanimous, he is acquitted or condemned without appeal. If the criminal be a slave, the trial by the county court is final. In every case, however, except that of high treason, there resides in the governor a power of pardon. In high treason the pardon can only flow from the general assembly. In civil matters these justices have jurisdiction in all cases of whatever value, not appertaining to the department of the admiralty. This jurisdiction is twofold. If the matter in dispute be of less value than $4\frac{1}{6}$ dollars, a single member may try it at any time and place within his county, and may award execution on the goods of the

party cast. If it be of that or greater value, it is determinable before the county court, which consists of four at the least of those justices and assembles at the court-house of the county on a certain day [238] in every month. From their determination, if the matter be of the value of ten pounds sterling, or concern the title or bounds of lands, an appeal lies to one of the superior courts.

There are three superior courts, to wit, the high court of chancery, the general court, and court of admiralty. The first and second of these receive appeals from the county courts, and also have original jurisdiction, where the subject of controversy is of the value of ten pounds sterling, or where it concerns the title or bounds of lands. The jurisdiction of the admiralty is original altogether. The high court of chancery is composed of three judges, the general court of five, and the court of admiralty of three. The two first hold their sessions at Richmond at stated times, the chancery twice in the year, and the general court twice for business civil and criminal, and twice more for criminal only. The court of admiralty sits at Williamsburg whenever a controversy arises.

There is one supreme court, called the court of appeals, composed of the judges of the three superior courts, assembling twice a year at stated times at Richmond. This court [239] receives appeals in all civil cases from each of the superior courts, and determines them finally. But it has no original jurisdiction.

If a controversy arise between two foreigners of a nation in alliance with the United States, it is decided by the Consul for their State, or, if both parties chuse it, by the ordinary courts of justice. If one of the parties only be such a foreigner, it is triable before the courts of justice of the country. But if it shall have been instituted in a county court, the foreigner may remove it into the general court, or court of chancery, who are to determine it at their first sessions, as they must also do if it be originally commenced before them. In cases of life and death, such foreigners have a right to be tried by a jury, the one-half foreigners, the other natives.

All public accounts are settled with a board of auditors, con-

sisting of three members appointed by the general assembly, any two of whom may act. But an individual, dissatisfied with the determination of that board, may carry his case into the proper superior court. [240]

A description of the laws.

The general assembly was constituted, as has been already shown, by letters-patent of March the 9th, 1607, in the 4th year of the reign of James the first. The laws of England seem to have been adopted by consent of the settlers, which might easily enough be done whilst they were few and living all together. Of such adoption, however, we have no other proof than their practice till the year 1661, when they were expressly adopted by an act of the assembly, except so far as 'a difference of condition' rendered them inapplicable. Under this adoption, the rule, in our courts of judicature was, that the common law of England, and the general statutes previous to the 4th of James, were in force here; but that no subsequent statutes were, *unless we were named in them*, said the judges and other partisans of the crown, but *named or not named*, said those who reflected freely. It will be unnecessary to attempt a description of the laws of England, as that may be found in English publications. To those which were established here, by the adoption of the legislature, have been since added a number of [241] acts of assembly passed during the monarchy, and ordinances of convention and acts of assembly enacted since the establishment of the republic. The following variations from the British model are perhaps worthy of being specified:

Debtors unable to pay their debts, and making faithful delivery of their whole effects, are released from confinement, and their persons forever discharged from restraint for such previous debts: but any property they may afterwards acquire will be subject to their creditors.

The poor, unable to support themselves, are maintained by an assessment on the titheable persons in their parish. This assessment is levied and administered by twelve persons in each parish, called vestrymen, originally chosen by the housekeepers of the parish, but afterwards filling vacancies in their own body by their own choice. These are usually the most discreet farmers, so dis-

tributed through their parish, that every part of it may be under the immediate eye of some one of them. They are well acquainted with the details and œconomy of private life, and they find sufficient inducements to execute [242] their charge well, in their philanthropy, in the approbation of their neighbors, and the distinction which that gives them. The poor who have neither property, friends, nor strength to labour, are boarded in the houses of good farmers, to whom a stipulated sum is annually paid. To those who are able to help themselves a little, or have friends from whom they derive some succours, inadequate however to their full maintenance, supplementary aids are given which enable them to live comfortably in their own houses, or in the houses of their friends. Vagabonds without visible property or vocation, are placed in work houses, where they are well clothed, fed, lodged, and made to labour. Nearly the same method of providing for the poor prevails through all our states; and from Savannah to Portsmouth you will seldom meet a beggar. In the larger towns, indeed, they sometimes present themselves. These are usually foreigners, who have never obtained a settlement in any parish. I never yet saw a native American begging in the streets or highways. A subsistence is easily gained here: and if, by misfortunes, they are thrown on the charities of the world, those provided by their own country are so comfortable and so certain, [243] that they never think of relinquishing them to become strolling beggars. Their situation too, when sick, in the family of a good farmer, where every member is emulous to do them kind offices, where they are visited by all the neighbors, who bring them the little rarities which their sickly appetites may crave, and who take by rotation the nightly watch over them, when their condition requires it, is without comparison better than in a general hospital, where the sick, the dying and the dead are crammed together in the same rooms, and often in the same beds. The disadvantages, inseparable from general hospitals, are such as can never be counterpoised by all the regularities of medicine and regimen. Nature and kind nursing save a much greater proportion in our plain way, at a smaller expense, and with less abuse. One branch only of hospital institution is wanting with us; that is a general establishment for those labor-

ing under difficult cases of chirurgery. The aids of this art are not equivocal. But an able chirurgeon cannot be had in every parish. Such a receptacle should therefore be provided for those patients: but no others should be admitted. [244]

Marriages must be solemnized either on special licence, granted by the first magistrate of the county, on proof of the consent of the parent or guardian of either party under age, or after solemn publication, on three several sundays, at some place of religious worship, in the parishes where the parties reside. The act of solemnization may be by the minister of any society of christians, who shall have been previously licensed for this purpose by the court of the county. Quakers and Menonists however are exempted from all these conditions, and marriage among them is to be solemnized by the society itself.

A foreigner of any nation, not in open war with us, becomes naturalized by removing to the state to reside, and taking an oath of fidelity: and thereupon acquires every right of a native citizen: and citizens may divest themselves of that character, by declaring, by solemn deed, or in open court, that they mean to expatriate themselves, and no longer to be citizens of this state.

Conveyances of land must be registered in the court of the county wherein they lie, or in the general court, or they are void, [245] as to creditors, and subsequent purchasers.

Slaves pass by descent and dower as lands do. Where the descent is from a parent, the heir is bound to pay an equal share of their value in money to each of his brothers and sisters.

Slaves, as well as lands, were entailable during the monarchy; but, by an act of the first republican assembly, all donees in tail, present and future, were vested with the absolute dominion of the entailed subject.

Bills of exchange, being protested, carry 10 per cent. interest from their date.

No person is allowed, in any other case, to take more than five per centum per annum simple interest for the loan of moneys.

Gaming debts are made void, and monies actually paid to discharge such debts (if they exceed 40 shillings) may be recovered by the payer within three months, or by any other person afterwards.

Tobacco, flour, beef, pork, tar, pitch, and turpentine must be inspected by persons publicely appointed before they can be exported. [246]

The erecting iron-works and mills is encouraged by many privileges; with necessary cautions however to prevent their dams from obstructing the navigation of the water courses. The general assembly have on several occasions shewn a great desire to encourage the opening the great falls of James and Patowmac rivers. As yet, however, neither of these have been effected.

The laws have also descended to the preservation and improvement of the races of useful animals, such as horses, cattle, deer; to the extirpation of those which are noxious, as wolves, squirrels, crows, blackbirds; and to the guarding our citizens against infectious disorders, by obliging suspected vessels coming into the state, to perform quarantine, and by regulating the conduct of persons having such disorders within the state.

The mode of acquiring lands, in the earliest times of our settlement, was by petition to the general assembly. If the lands prayed for were already cleared of the Indian title, and the assembly thought the prayer reasonable, they passed the property by their vote to the petitioner. But if they had not yet been ceded by the Indians, it was neces- [247] sary that the petitioner should previously purchase their right. This purchase the assembly verified, by enquries of the Indian proprietors; and being satisfied of its reality and fairness, proceeded further to examine the reasonableness of the petition, and its consistence with policy; and according to the result, either granted or rejected the petition. The company also sometimes, though very rarely, granted lands, independently of the general assembly. As the colony increased, and individual applications for land multiplied, it was found to give too much occupation to the general assembly to inquire into and execute the grant in every special case. They therefore thought it better to establish general rules, according to which all grants should be made, and to leave to the governor the execution of them, under these rules. This they did by what have been usually called the land laws, amending them from time to time, as their defects were developed. According to these laws, when an individual wished a portion of unappropriated land,

he was to locate and survey it by a public officer, appointed for that purpose : its breadth was to bear a certain pro- [248] portion to its length : the grant was to be executed by the governor : and the lands were to be improved in a certain manner, within a given time. From these regulations there resulted to the state a sole and exclusive power of taking conveyances of the Indian right of soil ; since, according to them an Indian conveyance alone could give no right to an individual, which the laws would acknowledge. The state, or the crown, thereafter, made general purchases of the Indians from time to time, and the governor parcelled them out by special grants, conformed to the rules before described, which it was not in his power, or in that of the crown, to dispense with. Grants, unaccompanied by their proper legal circumstances, were set aside regularly by *scire facias*, or by bill in Chancery. Since the establishment of our new government, this order of things is but little changed. An individual, wishing to appropriate to himself lands still unappropriated by any other, pays to the public treasurer a sum of money proportioned to the quantity he wants. He carries the treasurer's receipt to the auditors of public accompts, who thereupon debit the treasurer [249] with the sum, and order the register of the land-office to give the party a warrant for his land. With this warrant from the register, he goes to the surveyor of the county where the land lies on which he has cast his eye. The Surveyor lays it off for him, gives him its exact description, in the form of a certificate, which certificate he returns to the land-office, where a grant is made out, and is signed by the governor. This vests in him a perfect dominion in his lands, transmissible to whom he pleases by deed or will, or by descent to his heirs, if he die intestate.

Many of the laws which were in force during the monarchy being relative merely to that form of government, or inculcating principles inconsistent with republicanism, the first assembly which met after the establishment of the commonwealth, appointed a committee to revise the whole code, to reduce it into proper form and volume, and report it to the assembly. This work has been executed by three gentlemen, and reported ; but probably will not be taken up till a restoration of peace shall

leave [250] to the legislature leisure to go through such a work.[1]

The plan of the revisal was this. The common law of England, by which is meant that part of the English law which was anterior to the date of the oldest statutes extant, is made the basis of the work. It was thought dangerous to attempt to reduce it to a text: it was therefore left to be collected from the usual monuments of it. Necessary alterations in that, and so much of the whole body of the British statutes, and of acts of assembly, as were thought proper to be retained, were digested into 126 new acts, in which simplicity of style was aimed at, as far as was safe. The following are the most remarkable alterations proposed:

To change the rules of descent, so as that the lands of any person dying intestate shall be divisible equally among all his children, or other representatives, in equal degree.

To make slaves distributable among the next of kin, as other movables.

To have all public expences, whether of the general treasury, or of a parish or county, (as for the maintenance of the poor, building bridges, court-houses, &c.,) supplied by as- [251] sessments on the citizens, in proportion to their property.

To hire undertakers for keeping the public roads in repair, and indemnify individuals through whose lands new roads shall be opened.

To define with precision the rules whereby aliens should become citizens, and citizens make themselves aliens.

To establish religious freedom on the broadest bottom.

To emancipate all slaves born after passing the act. The bill reported by the revisers does not itself contain this proposition; but an amendment containing it was prepared, to be offered to the legislature whenever the bill should be taken up, and further directing, that they should continue with their parents to a certain age, then be brought up, at the public expence, to tillage, arts, or sciences, according to their geniusses, till the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circum-

[1] This is the *Report of the Revisors*, prepared by Jefferson, Wythe, and Pendleton, and reported to the legislature June 18, 1779.

stances of the time should render most proper, sending them out with arms, implements of houshold and of the handicraft arts, seeds, pairs of the [252] useful domestic animals, &c. to declare them a free and independant people, and extend to them our alliance and protection, till they shall have acquired strength ; and to send vessels at the same time to other parts of the world for an equal number of white inhabitants ; to induce whom to migrate hither, proper encouragements were to be proposed. It will probably be asked, Why not retain and incorporate the blacks into the state, and thus save the expence of supplying by importation of white settlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites ; ten thousand recollections, by the blacks, of the injuries they have sustained ; new provocations ; the real distinctions which nature has made ; and many other circumstances will divide us into parties, and produce convulsions, which will probably never end but in the extermination of the one or the other race.—To these objections, which are political, may be added others, which are physical and moral. The first difference which strikes us is that of colour. Whether the black of the negro resides in the reticular membrane between the skin and scarfskin, or in the scarfskin itself ; [253] whether it proceeds from the colour of the blood, the colour of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, that immovable veil of black which covers all the emotions of the other race? Add to these, flowing hair, a more elegant symmetry of form, their own judgment in favour of the whites, declared by their preference of them as uniformly as is the preference of the Oran ootan for the black woman over those of his own species. The circumstance of superior beauty, is thought worthy attention in the propagation of our horses, dogs, and other domestic animals ; why not in that of man? Besides those of colour, figure, and hair, there are other physical distinctions

proving a difference of race. They have less hair on the face and body. They secrete [254] less by the kidnies, and more by the glands of the skin, which gives them a very strong and disagreeable odour. This greater degree of transpiration, renders them more tolerant of heat, and less so of cold than the whites. Perhaps too a difference of structure in the pulmonary apparatus, which a late ingenious[1] experimentalist has discovered to be the principal regulator of animal heat, may have disabled them from extricating, in the act of inspiration, so much of that fluid from the outer air, or obliged them in expiration, to part with more of it. They seem to require less sleep. A black after hard labour through the day, will be induced by the slightest amusements to sit up till midnight or later, though knowing he must be out with the first dawn of the morning. They are at least as brave, and more adventuresome. But this may perhaps proceed from a want of forethought, which prevents their seeing a danger till it be present. When present, they do not go through it with more coolness or stea-[255] diness than the whites. They are more ardent after their female; but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation. Their griefs are transient. Those numberless afflictions, which render it doubtful whether heaven has given life to us in mercy or in wrath, are less felt, and sooner forgotten with them. In general, their existence appears to participate more of sensation than reflection. To this must be ascribed their disposition to sleep when abstracted from their diversions, and unemployed in labour. An animal whose body is at rest, and who does not reflect, must be disposed to sleep of course. Comparing them by their faculties of memory, reason, and imagination, it appears to me that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid: and that in imagination they are dull, tasteless, and anomalous. It would be unfair to follow them to Africa for this investigation. We will consider them here, on the same stage with the whites, and where the facts are not apochryphal on which a judgment is to be [256] formed. It will be right to make great

[1] Crawford.—*T. J.*

allowances for the difference of condition, of education, of conversation, of the sphere in which they move. Many millions of them have been brought to, and born in America. Most of them, indeed, have been confined to tillage, to their own homes, and their own society: yet many have been so situated, that they might have availed themselves of the conversation of their masters; many have been brought up to the handicraft arts, and from that circumstance have always been associated with the whites. Some have been liberally educated, and all have lived in countries where the arts and sciences are cultivated to a considerable degree, and have had before their eyes samples of the best works from abroad. The Indians, with no advantages of this kind, will often carve figures on their pipes not destitute of design and merit. They will crayon out an animal, a plant, or a country, so as to prove the existence of a germ in their minds which only wants cultivation. They astonish you with strokes of the most sublime oratory; such as prove their reason and sentiment strong, their [257] imagination glowing and elevated. But never yet could I find that a black had uttered a thought above the level of plain narration; never seen even an elementary trait of painting or sculpture. In music they are more generally gifted than the whites, with accurate ears for tune and time, and they have been found capable of imagining a small catch.[1] Whether they will be equal to the composition of a more extensive run of melody, or of complicated harmony, is yet to be proved. Misery is often the parent of the most affecting touches in poetry.—Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar œstrum of the poet. Their love is ardent, but it kindles the senses only, not the imagination. Religion, indeed, has produced a Phyllis Whately[2]; but it could not produce a poet. The compositions published under her name are below the dignity of criticism. The heroes of the Dunciad

[1] The instrument proper to them is the Banjar, which they brought hither from Africa, and which is the original of the guitar, its chords being precisely the four lower chords of the guitar.—*T. J.*

[2] Phillis Wheatley, author of a number of poems, published at different times, some of which were collected into a volume, published in London in 1773, which has been several times reprinted. See *Allibone* and *Gregoire*.

are to her, as Hercules to the author of that poem. Igna-[258] tius Sancho[1] has approached nearer to merit in composition ; yet his letters do more honour to the heart than the head. They breathe the purest effusions of friendship and general philanthropy, and show how great a degree of the latter may be compounded with strong religious zeal. He is often happy in the turn of his compliments, and his style is easy and familiar, except when he affects a Shandean fabrication of words. But his imagination is wild and extravagant, escapes incessantly from every restraint of reason and taste, and, in the course of its vagaries, leaves a tract of thought as incoherent and eccentric, as is the course of a meteor through the sky. His subjects should often have led him to a process of sober reasoning ; yet we find him always substituting sentiment for demonstration. Upon the whole, though we admit him to the first place among those of his own color who have presented themselves to the public judgment, yet when we compare him with the writers of the race among whom he lived and particularly with the epistolary class in which he has taken his own stand, we are compelled to enrol him at the bottom of the column. [259] This criticism supposes the letters published under his name to be genuine, and to have received amendment from no other hand ; points which would not be of easy investigation. The improvement of the blacks in body and mind, in the first instance of their mixture with the whites, has been observed by every one, and proves that their inferiority is not the effect merely of their condition of life. We know that among the Romans, about the Augustan age especially, the condition of their slaves was much more deplorable than that of the blacks on the continent of America. The two sexes were confined in separate apartments, because to raise a child cost the master more than to buy one. Cato, for a very restricted indulgence to his slaves in this particular,[2] took from them a certain price. But in

[1] Born in 1729 on a slaveship, and a resident for many years in England. His *Letters, with Memoirs of his Life*, were published in London in two volumes, in 1782. Some account of him, with a reply to Jefferson's criticism of his letters, is given in H. Gregoire's *Enquiry concerning . . . Negroes. Brooklyn : 1810*, p. 227.

[2] *Τȣς δȣλȣȣς εταξεν ὡρισμενȣ νομισματος ὁμιλειν ταις θεραπαινισν.* —Plutarch. Cato.—*T. J.*

this country the slaves multiply as fast as the free inhabitants. Their situation and manners place the commerce between the two sexes almost without restraint.—[260] The same Cato, on a principle of economy, always sold his sick and superannuated slaves. He gives it as a standing precept to a master visiting his farm, to sell his old oxen, old waggons, old tools, old and diseased servants, and everything else become useless. 'Vendat boves vetulos, plaustrum vetus, feramenta vetera, servum senem, servum morbosum, si quid aliud supersit vendat.' Cato de re rusticâ, c. 2. The American slaves cannot enumerate this among the injuries and insults they receive. It was the common practice to expose in the island Æsculapius, in the Tyber, diseased slaves whose cure was like to become tedious.[1] The Emperor Claudius, by an edict, gave freedom to such of them as should recover, and first declared that if any person chose to kill rather than to expose them, it should be deemed homicide. The exposing them is a crime of which no instance has existed with us; and were it to be followed by death, it would be punished capitally. We are told of a certain Vedius Pollio, who, in the presence of Augustus, would have given a slave as food to his fish, for having broken a glass.[2] With the Romans, the regular method of tak-[261] ing the evidence of their slaves was under torture. Here it has been thought better never to resort to their evidence. When a master was murdered, all his slaves, in the same house, or within hearing, were condemned to death. Here punishment falls on the guilty only, and as precise proof is required against him as against a freeman. Yet notwithstanding these and other discouraging circumstances among the Romans, their slaves were often their rarest artists. They excelled too in science, insomuch as to be usually employed as tutors to their master's children. Epictetus,[3] Terence, and Phædrus, were slaves. But they were of the race of whites. It is not their condition then, but nature, which has produced the distinction.—Whether further observa-

[1] Suet. Claud. 25.—*T. J.*

[2] "Seneca de ira. L. 3, 40; de Clementia 1, 18; Xiphil. Aug., p. 76"—*Note in edition of 1853.*

[3] In the edition of 1853 the names of Diogenes and Phædon are inserted at this point.

tion will or will not verify the conjecture, that nature has been less bountiful to them in the endowments of the head, I believe that in those of the heart she will be found to have done them justice. That disposition to theft with which they have been branded, must be ascribed to their situation, and not to any depravity of the moral sense. The man in whose favour no laws of property exist, probably feels himself less [262] bound to respect those made in favour of others. When arguing for ourselves, we lay it down as a fundamental, that laws, to be just, must give a reciprocation of right: that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience; and it is a problem which I give to the master to solve, whether the religious precepts against the violation of property were not framed for him as well as his slave? And whether the slave may not as justifiably take a little from one who has taken all from him, as he may slay one who would slay him? That a change in the relations in which a man is placed should change his ideas of moral right and wrong, is neither new, nor peculiar to the colour of the blacks. Homer tells us it was so 2600 years ago.

> *Ἡμισυ, γὰρ τ' ἀρετῆς ἀποαίνυται εὐρύοπα Ζεὺ*
> *Ἀφνεός, ευτ' ἂν μιν κατὰ δουλιον ἡμαρ ἕλῃσιν.*
>
> —Od. 17, 323.

> Jove fix'd it certain, that whatever day
> Makes man a slave, takes half his worth away.

But the slaves of which Homer speaks were whites. Notwithstanding these considerations which must weaken their respect for the laws of property, we find among them numerous [263] instances of the most rigid integrity, and as many as among their better instructed masters, of benevolence, gratitude, and unshaken fidelity. The opinion that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the Anatomical knife, to Optical glasses, to analysis by fire or by solvents. How much more then where it is a faculty, not a substance, we are examining; where it eludes the research of all the

senses ; where the conditions of its existence are various and variously combined ; where the effects of those which are present or absent bid defiance to calculation ; let me add too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them. To our reproach it must be said, that though for a century and a half we have had under our eyes the races of black and of red men, they have never yet been viewed by us as subjects of natural history. I advance it, [264] therefore, as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind. It is not against experience to suppose that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history then, one who views the gradations in all the races of animals with the eye of philosophy, excuse an effort to keep those in the department of man as distinct as nature has formed them ? This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question, 'What further is to be done with them?' join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining the blood of his [265] master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.

The revised code further proposes to proportion crimes and punishments. This is attempted in the following scale. [266]

1. Crimes whose punishment extends to *Life*.
   1. High treason. Death by hanging.
      Forfeiture of lands and goods to the commonwealth.
   2. Petty treason. Death by hanging. Dissection.
      Forfeiture of half the lands and goods to the representatives of the party slain.
   3. Murder. 1. By poison. Death by poison.
      Forfeiture of one-half, as before.

2. In duel. Death by hanging. Gibbeting, if the challenger.
Forfeiture of one-half as before, unless it be the party challenged, then the forfeiture is to the commonwealth.
3. In any other way. Death by hanging.
Forfeiture of one-half as before.
4. Manslaughter. The second offence is murder.

II. Crimes whose punishment goes to *Limb*.
1. Rape..... } Dismemberment.
2. Sodomy... }
3. Maiming.. } Retaliation, and the forfeiture of half of the lands and
4. Disfiguring } goods to the sufferer.

III. Crimes punishable by *Labour*.

1. Manslaughter, 1st offence.	Labor VII. years for the public.	Forfeiture of half, as in murder.
2. Counterfeiting money.	Labor VI. years.	Forfeiture of lands and goods to the commonwealth. [267]
3. Arson.	Labor V. years.	Reparation threefold.
4. Asportation of vessels.		
5. Robbery.	Labor IV. years.	Reparation double.
6. Burglary.		
7. House-breaking.	Labor III. years.	Reparation.
8. Horse-stealing.		
9. Grand larceny.	Labor II years.	Reparation. Pillory.
10. Petty larceny.	Labor I. year.	Reparation. Pillory.
11. Pretensions to witchcraft, &c.	Ducking.	Stripes.
12. Excusable homicide.	To be pitied, not punished.	
13. Suicide.		
14. Apostacy. Heresy.		[268]

Pardon and privilege of clergy are proposed to be abolished; but if the verdict be against the defendant, the court in their discretion may allow a new trial. No attainder to cause a corruption of blood, or forfeiture of dower. Slaves guilty of offences punishable in others by labour, to be transported to Africa, or elsewhere, as the circumstances of the time admit, there to be continued in slavery. A rigorous regimen proposed for those condemned to labour.

Another object of the revisal is, to diffuse knowledge more generally through the mass of the people. This bill proposes to lay off every country into small districts of five or six miles square, called hundreds and in each of them to establish a school for teaching, reading, writing, and arithmetic. The tutor to be supported by the hundred, and every person in it entitled to send their children three years gratis, and as much longer as they please,

paying for it. These schools to be under a visitor who is annually to chuse the boy of best genius in the school, of those whose parents are too poor to give them further education, and to send him forward to one of the grammar schools, of which twen-[269] ty are proposed to be erected in different parts of the country, for teaching Greek, Latin, geography, and the higher branches of numerical arithmetic. Of the boys thus sent in any one year, trial is to be made at the grammar schools one or two years, and the best genius of the whole selected, and continued six years, and the residue dismissed. By this means twenty of the best geniuses will be raked from the rubbish annually, and be instructed, at the public expence, so far as the grammar schools go. At the end of six years instruction, one half are to be discontinued (from among whom the grammar schools will probably be supplied with future masters); and the other half, who are to be chosen for the superiority of their parts and disposition, are to be sent and continued three years in the study of such sciences as they shall chuse, at William and Mary college, the plan of which is proposed to be enlarged, as will be hereafter explained, and extended to all the useful sciences. The ultimate result of the whole scheme of education would be the teaching all the children of the State reading, writing, and common arithmetic; turning out ten annually, of su- [270] perior genius, well taught in Greek, Latin, geography, and the higher branches of arithmetic; turning out ten others annually, of still superior parts, who, to those branches of learning, shall have added such of the sciences as their genius shall have led them to; the furnishing to the wealthier part of the people convenient schools at which their children may be educated at their own expence.— The general objects of this law are to provide an education adapted to the years, to the capacity, and the condition of every one, and directed to their freedom and happiness. Specific details were not proper for the law. These must be the business of the visitors entrusted with its execution. The first stage of this education being the schools of the hundreds, wherein the great mass of the people will receive their instruction, the principal foundations of future order will be laid here. Instead, therefore, of putting the Bible and Testament into the hands of

the children at an age when their judgments are not sufficiently matured for religious inquiries, their memories may here be stored with the most useful facts from Grecian, Roman, European, and American history. The first [271] elements of morality too may be instilled into their minds ; such as, when further developed as their judgments advance in strength, may teach them how to work out their own greatest happiness, by shewing them that it does not depend on the condition of life in which chance has placed them, but is always the result of a good conscience, good health, occupation, and freedom in all just pursuits.—Those whom either the wealth of their parents or the adoption of the state shall destine to higher degrees of learning, will go on to the grammar schools, which constitute the next stage, there to be instructed in the languages. The learning Greek and Latin, I am told, is going into disuse in Europe. I know not what their manners and occupations may call for : but it would be very ill-judged in us to follow their example in this instance. There is a certain period of life, say from eight to fifteen or sixteen years of age, when the mind like the body is not yet firm enough for laborious and close operations. If applied to such, it falls an early victim to premature exertion ; exhibiting, indeed, at first, in these young and tender subjects, the flattering appearance of their be-[272] ing men while they are yet children, but ending in reducing them to be children when they should be men. The memory is then most susceptible and tenacious of impressions ; and the learning of languages being chiefly a work of memory, it seems precisely fitted to the powers of this period, which is long enough too for acquiring the most useful languages, antient and modern. I do not pretend that language is science. It is only an instrument for the attainment of science. But that time is not lost which is employed in providing tools for future operation : more especially as in this case the books put into the hands of the youth for this purpose may be such as will at the same time impress their minds with useful facts and good principles. If this period be suffered to pass in idleness, the mind becomes lethargic and impotent, as would the body it inhabits if unexercised during the same time. The sympathy between body and mind during their rise, progress and decline, is too strict

and obvious to endanger our being misled while we reason from the one to the other.—As soon as they are of sufficient age, it is supposed they will be sent on from the grammar schools to the [273] university, which constitutes our third and last stage, there to study those sciences which may be adapted to their views.—By that part of our plan which prescribes the selection of the youths of genius from among the classes of the poor, we hope to avail the state of those talents which nature has sown as liberally among the poor as the rich, but which perish without use, if not sought for and cultivated.—But of all the views of this law none is more important, none more legitimate, than that of rendering the people the safe, as they are the ultimate, guardians of their own liberty. For this purpose the reading in the first stage, where *they* will receive their whole education, is proposed, as has been said, to be chiefly historical. History, by apprising them of the past, will enable them to judge of the future ; it will avail them of the experience of other times and other nations ; it will qualify them as judges of the actions and designs of men ; it will enable them to know ambition under every disguise it may assume ; and knowing it, to defeat its views. In every government on earth is some trace of human weakness, some germ of corruption and degene-[274] racy, which cunning will discover, and wickedness insensibly open, cultivate and improve. Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe, their minds must be improved to a certain degree. This indeed is not all that is necessary, though it be essentially necessary. An amendment of our constitution must here come in aid of the public education. The influence over government must be shared among all the people. If every individual which composes their mass participates of the ultimate authority, the government will be safe ; because the corrupting the whole mass will exceed any private resources of wealth ; and public ones cannot be provided but by levies on the people. In this case every man would have to pay his own price. The government of Great Britain has been corrupted, because but one man in ten has a right to vote for members of parliament. The sellers of the government, therefore, get nine-tenths of their price

clear. It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier of the people: but [275] it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption.

Lastly, it is proposed, by a bill in this revisal, to begin a public library and gallery, by laying out a certain sum annually in books, paintings, and statues.

QUERY XV.

The colleges and public establishments, the roads, buildings, &c.?

The college of William and Mary is the only public seminary of learning in this State. It was founded in the time of king William and queen Mary, who granted to it 20,000 acres of land, and a penny a pound duty on certain tobaccoes exported from Virginia and Maryland, which had been levied by the statute of 25 Car. II. The assembly also gave it, by temporary laws, a duty on liquors imported, and skins and furs exported. From these resources it received upwards of 3000l communibus annis. The buildings are of brick, sufficient for an indifferent accommo- [276] dation of perhaps an hundred students. By its charter it was to be under the government of twenty visitors, who were to be its legislators, and to have a president and six professors, who were incorporated. It was allowed a representative in the general assembly. Under this charter, a professorship of the Greek and Latin languages, a professorship of mathematics, one of moral philosophy, and two of divinity were established. To these were annexed, for a sixth professorship, a considerable donation by Mr. Boyle, of England, for the instruction of the Indians, and their conversion to Christianity. This was called the professorship of Brafferton, from an estate of that name in England, purchased with the monies given. The admission of the learners of Latin and Greek filled the college with children. This rendering it disagreeable and degrading to young gentlemen already prepared for entering on the sciences, they were discouraged from resorting to it, and thus the schools for mathematics and moral philosophy, which might

have been of some service, became of very little. The revenues, too, were exhausted in accommodating those who came only [277] to acquire the rudiments of science. After the present revolution, the visitors, having no power to change those circumstances in the constitution of the college which were fixed by the charter, and being therefore confined in the number of professorships, undertook to change the objects of the professorships. They excluded the two schools for divinity, and that for the Greek and Latin languages, and substituted others; so that at present they stand thus:

A professorship for Law and Police:
Anatomy and Medicine:
Natural Philosophy and Mathematics:
Moral Philosophy, the Law of Nature and Nations, the Fine Arts:
Modern Languages:
For the Brafferton.

And it is proposed, so soon as the legislature shall have leisure to take up this subject, to desire authority from them to increase the number of professorships, as well for the purpose of subdividing those already instituted, as of adding others for other branches of science. To the professorships usually established in the universities of Europe, it [278] would seem proper to add one for the ancient languages and literature of the North, on account of their connection with our own language, laws, customs, and history. The purposes of the Brafferton institution would be better answered by maintaining a perpetual mission among the Indian tribes, the object of which, besides instructing them in the principles of Christianity, as the founder requires, should be to collect their traditions, laws, customs, languages, and other circumstances which might lead to a discovery of their relation with one another, or descent from other nations. When these objects are accomplished with one tribe, the missionary might pass on to another.

The roads are under the government of the county courts, subject to be controuled by the general court. They order new roads to be opened wherever they think them necessary. The inhabitants of the county are by them laid off into precincts, to

each of which they allot a convenient portion of the public roads to be kept in repair. Such bridges as may be built without the assistance of artificers, they are to build. If the stream be such as to require a bridge of regular [279] workmanship, the court employs workmen to build it at the expence of the whole county. If it be too great for the county, application is made to the general assembly, who authorize individuals to build it, and to take a fixed toll from all passengers, or give sanction to such other proposition as to them appears reasonable.

Ferries are admitted only at such places as are particularly pointed out by law, and the rates of ferriage are fixed.

Taverns are licensed by the courts, who fix their rates from time to time.

The private buildings are very rarely constructed of stone or brick, much the greatest proportion being of scantling and boards, plaistered with lime. It is impossible to devise things more ugly, uncomfortable, and happily more perishable. There are two or three plans, on one of which, according to its size, most of the houses in the state are built. The poorest people build huts of logs, laid horizontally in pens, stopping the interstices with mud. These are warmer in winter, and cooler in summer, than the more expensive constructions of scantling and plank. The wealthy are attentive to the raising of [280] vegetables, but very little so to fruits. The poorer people attend to neither, living principally on milk and animal diet. This is the more inexcusable, as the climate requires indispensably a free use of vegetable food, for health as well as comfort, and is very friendly to the raising of fruits.—The only public buildings worthy mention are the Capitol, the Palace, the College, and the Hospital for Lunatics, all of them in Williamsburg, heretofore the seat of our government. The Capitol is a light and airy structure, with a portico in front of two orders, the lower of which, being Doric, is tolerably just in its proportions and ornaments, save only that the intercolonnations are too large. The upper is Ionic, much too small for that on which it is mounted, its ornaments not proper to the order, nor proportioned within themselves. It is crowned with a pediment, which is too high for its span. Yet, on the whole, it is the most pleasing piece of architecture we have. The

Palace is not handsome without, but it is spacious and commodious within, is prettily situated, and with the grounds annexed to it, is capable of being made an elegant seat. The Col- [281] lege and Hospital are rude, mis-shapen piles, which, but that they have roofs, would be taken for brick-kilns. There are no other public buildings but churches and court-houses, in which no attempts are made at elegance. Indeed, it would not be easy to execute such an attempt, as a workman could scarcely be found here capable of drawing an order. The genius of architecture seems to have shed its maledictions over this land. Buildings are often erected, by individuals, of considerable expence. To give these symmetry and taste, would not increase their cost. It would only change the arrangement of the materials, the form and combination of the members. This would often cost less than the burthen of barbarous ornaments with which these buildings are sometimes charged. But the first principles of the art are unknown, and there exists scarcely a model among us sufficiently chaste to give an idea of them. Architecture being one of the fine arts, and as such within the department of a professor of the college, according to the new arrangement, perhaps a spark may fall on some young subjects of natural taste, kindle up their genius, and produce a reforma- [282] tion in this elegant and useful art. But all we shall do in this way will produce no permanent improvement to our country, while the unhappy prejudice prevails that houses of brick or stone are less wholesome than those of wood. A dew is often observed on the walls of the former in rainy weather, and the most obvious solution is, that the rain has penetrated through these walls. The following facts, however, are sufficient to prove the error of this solution. 1. This dew on the walls appears when there is no rain, if the state of the atmosphere be moist. 2. It appears on the partition as well as the exterior walls. 3. So, also, on pavements of brick or stone. 4. It is more copious in proportion as the walls are thicker ; the reverse of which ought to be the case, if this hypothesis were just. If cold water be poured into a vessel of stone, or glass, a dew forms instantly on the outside : but if it be poured into a vessel of wood, there is no such appearance. It is not supposed, in the first case, that the water has

exuded through the glass, but that it is precipitated from the circumambient air; as the humid particles of vapour, passing from the boiler of an alembic [283] through its refrigerant, are precipitated from the air, in which they were suspended, on the internal surface of the refrigerant. Walls of brick or stone act as the refrigerant in this instance. They are sufficiently cold to condense and precipitate the moisture suspended in the air of the room, when it is heavily charged therewith. But walls of wood are not so. The question then is, whether air in which this moisture is left floating, or that which is deprived of it, be most wholesome? In both cases, the remedy is easy. A little fire kindled in the room, whenever the air is damp, prevents the precipitation on the walls: and this practice, found healthy in the warmest as well as coldest seasons, is as necessary in a wooden as in a stone or a brick house. I do not mean to say, that the rain never penetrates through walls of brick. On the contrary, I have seen instances of it. But with us it is only through the northern and eastern walls of the house, after a north-easterly storm, these being the only ones which continue long enough to force through the walls. This, however, happens too rarely to give a just character of unwholesomeness to such [284] houses. In a house, the walls of which are of well-burnt brick and good mortar, I have seen the rain penetrate through but twice in a dozen or fifteen years. The inhabitants of Europe, who dwell chiefly in houses of stone or brick, are surely as healthy as those of Virginia. These houses have the advantage, too, of being warmer in winter and cooler in summer than those of wood; of being cheaper in their first construction, where lime is convenient, and infinitely more durable. The latter consideration renders it of great importance to eradicate this prejudice from the minds of our countrymen. A country whose buildings are of wood, can never increase in its improvements to any considerable degree. Their duration is highly estimated at 50 years. Every half century then our country becomes a tabula rasa, whereon we have to set out anew, as in the first moment of seating it. Whereas when buildings are of durable materials, every new edifice is an actual and permanent acquisition to the State, adding to its value as well as to its ornament. [285]

QUERY XVI.

The measures taken with regard of the estates and possessions of the rebels, commonly called Tories?

A tory has been properly defined to be a traitor in thought, but not in deed. The only description, by which the laws have endeavoured to come at them, was that of non-jurors, or persons refusing to take the oath of fidelity to the state. Persons of this description were at one time subjected to double taxation, at another to treble, and lastly were allowed retribution, and placed on a level with good citizens. It may be mentioned as a proof, both of the lenity of our government, and unanimity of its inhabitants, that though this war has now raged near seven years not a single execution for treason has taken place.

Under this query I will state the measures which have been adopted as to British property, the owners of which stand on a much fairer footing than the Tories. By our laws, the same as the English as in this respect, [286] no alien can hold lands, nor alien enemy maintain an action for money, or other movable thing. Lands acquired or held by aliens become forfeited to the state; and, on an action by an alien enemy to recover money, or other movable property, the defendant may plead that he is an alien enemy. This extinguishes his right in the hands of the debtor or holder of his movable property. By our separation from Great Britain, British subjects became aliens, and being at war, they were alien enemies. Their lands were of course forfeited, and their debts irrecoverable. The assembly, however, passed laws at various times, for saving their property. They first sequestered their lands, slaves, and other property on their farms in the hands of commissioners, who were mostly the confidential friends or agents of the owners, and directed their clear profits to be paid into the treasury: and they gave leave to all persons owing debts to British subjects to pay them also into the treasury. The monies so to be brought in were declared to remain the property of the British subject, and, if used by the state, were to be repaid, unless an improper conduct in Great-Britain should ren- [287] der a detention of it reasonable. Depreciation had at

that time, though unacknowledged and unperceived by the Whigs begun in some small degree. Great sums of money were paid in by debtors. At a later period, the assembly, adhering to the political principles which forbid an alien to hold lands in the state, ordered all British property to be sold : and, become sensible of the real progress of depreciation, and of the losses which would thence occur, if not guarded against, they ordered that the proceeds of the sales should be converted into their then worth in tobacco, subject to the future direction of the legislature. This act has left the question of retribution more problematical. In May 1780 another act took away the permission to pay into the public treasury debts due to British subjects.

QUERY XVII.

The different religions received into that state ?

The first settlers in this country were emigrants from England, of the English church, [288] just at a point of time when it was flushed with complete victory over the religious of all other persuasions. Possessed, as they became, of the powers of making, administering and executing the laws, they shewed equal intolerance in this country with their Presbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from persecution in England. They cast their eyes on these new countries as asylums of civil and religious freedom ; but they found them free only for the reigning sect. Several acts of the Virginia assembly of 1659, 1662, and 1693, had made it penal in parents to refuse to have their children baptized ; had prohibited the unlawful assembling of Quakers ; had made it penal for any master of a vessel to bring a Quaker into the state ; had ordered those already here, and such as should come thereafter, to be imprisoned till they should abjure the country ; provided a milder punishment for their first and second return, but death for their third ; had inhibited all persons from suffering their meetings in or near their houses, entertaining them individually, or disposing of books which supported their [289] tenets. If no capital execution took place here, as did in New-England, it was not owing to the moderation of the church, or spirit of the

legislature, as may be inferred from the law itself ; but to historical circumstances which have not been handed down to us. The Anglicans retained full possession of the country about a century. Other opinions began then to creep in, and the great care of the government to support their own church, having begotten an equal degree of indolence in its clergy, two thirds of the people had become dissenters at the commencement of the present revolution. The laws indeed were still oppressive on them, but the spirit of the one party had subsided into moderation, and of the other had risen to a degree of determination which commanded respect.

The present state of our laws on the subject of religion is this. The convention of May 1776, in their declaration of rights, declared it to be a truth, and a natural right, that the exercise of religion should be free ; but when they proceeded to form on that declaration the ordinance of government, instead of taking up every principle declared [290] in the bill of rights, and guarding it by legislative sanction, they passed over that which asserted our religious rights, leaving them as they found them. The same convention, however, when they met as a member of the general assembly in October 1776, repealed all *acts of parliament* which had rendered criminal the maintaining any opinions in matters of religion, the forbearing to repair to church, and the exercising any mode of worship ; and suspended the laws giving salaries to the clergy, which suspension was made perpetual in October 1779. Statutory oppressions in religion being thus wiped away, we remain at present under those only imposed by the common law, or by our own acts of assembly. At the common law, *heresy* was a capital offence, punishable by burning. Its definition was left to the ecclesiastical judges, before whom the conviction was, till the statute of the 1 El. c. 1. circumscribed it, by declaring that nothing should be deemed heresy but what had been so determined by authority of the canonical scriptures, or by one of the four first general councils, or by some other council having for the grounds of their declaration the [291] express and plain words of the scriptures. Heresy, thus circumscribed, being an offence at the common law, our act of assembly of October 1777, c. 17 gives cognizance of it to the general court,

by declaring that the jurisdiction of that court shall be general in all matters at the common law. The execution is by the writ *De hæretico comburendo.* By our own act of assembly of 1705, c. 30, if a person brought up in the christian religion denies the being of a God, or the trinity, or asserts there are more Gods than one, or denies the christian religion to be true, or the scriptures to be of divine authority, he is punishable on the first offence by incapacity to hold any office or employment ecclesiastical, civil, or military ; on the second by disability to sue, to take any gift or legacy, to be guardian, executor or administrator, and by three years imprisonment, without bail. A father's right to the custody of his own children being founded in law on his right of guardianship, this being taken away, they may of course be severed from him and put, by the authority of a court, into more orthodox hands. This is a summary view of that religious slavery [292] under which a people have been willing to remain who have lavished their lives and fortunes for the establishment of their civil freedom. The error seems not sufficiently eradicated, that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws.[1] But our rulers can have authority over such natural rights, only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others.[2] But it does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure [293] them. Reason and free inquiry are the only effectual agents against error. Give a loose to them, they will support the true re-

[1] Furneaux passim.— *T. J.*

[2] "Tamen humani juris et naturalis potestatis est, unicuique quod putaverit, colere ; *nec alii obest, aut prodest, alterius religio.* Sed nec religionis est cogere religionem, quæ sponte suscipi debeat, non vi.—Tertullianus ad Scapulam, cap 2."—*Footnote in the edition of 1853.*

ligion by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free inquiry, christianity could never have been introduced. Had not free inquiry been indulged, at the æra of the reformation, the corruptions of christianity could not have been purged away. If it be restrained now, the present corruptions will be protected, and new ones encouraged. Was the government to prescribe to us our medicine and diet, our bodies would be in such keeping as our souls are now. Thus in France the emetic was once forbidden as a medicine, and the potatoe as an article of food.[1] Government is just as infallible, too, when it fixes systems in physics. Galileo was sent to the inquisition for affirming that the earth was a sphere; the government had declared it to be as flat as a trencher, and Galileo was obliged to abjure his error. This error however at length prevailed, the earth became a globe, and Descartes declared [294] it was whirled round its axis by a vortex. The government in which he lived was wise enough to see that this was no question of civil jurisdiction, or we should all have been involved by authority in vortices. In fact the vortices have been exploded, and the Newtonian principle of gravitation is now more firmly established, on the basis of reason, than it would be were the government to step in and to make it an article of necessary faith. Reason and experiment have been indulged, and error has fled before them. It is error alone which needs the support of government. Truth can stand by itself. Subject opinion to coercion: whom will you make your inquisitors? Fallible men; men governed by bad passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity. But is uniformity of opinion desireable? No more than of face and stature. Introduce the bed of Procrustes then, and as there is danger that the large men may beat the small, make us all of a size, by lopping the former and stretching the latter. Difference of opinion is advantageous in religion. The several sects perform the office of a Censor morum over [295]

[1] "Encyclopedia. Article 'Antimoine' and 'Vomissement.' The Parliament of Paris forbade, on pain of death, any doctrine to be taught contrary to Aristotle's—3. Millot. Hist. de France, 280."—*Footnote in the edition of 1853.*

each other. Is uniformity attainable? Millions of innocent men, women and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned: yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites. To support roguery and error all over the earth. Let us reflect that it is inhabited by a thousand millions of people. That these profess probably a thousand different systems of religion. That ours is but one of that thousand. That if there be but one right, and ours that one, we should wish to see the 999 wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free inquiry must be indulged; and how can we wish others to indulge it while we refuse it ourselves. But every state, says an inquisitor, has established some religion. "No two, say I, have established the same." Is this a proof of the infallibility of establishments? Our sister states of Pennsylvania [296] and New York, however, have long subsisted without any establishment at all. The experiment was new and doubtful when they made it. It has answered beyond conception. They flourish infinitely. Religion is well supported; of various kinds indeed, but all good enough; all sufficient to preserve peace and order: or if a sect arises whose tenets would subvert morals, good sense has fair play, and reasons and laughs it out of doors, without suffering the state to be troubled with it. They do not hang more malefactors than we do. They are not more disturbed with religious dissentions. On the contrary, their harmony is unparallelled, and can be ascribed to nothing but their unbounded tolerance, because there is no other circumstance in which they differ from every nation on earth. They have made the happy discovery, that the way to silence religious disputes, is to take no notice of them. Let us too give this experiment fair play, and get rid, while we may, of those tyrannical laws. It is true we are as yet secured against them by the spirit of the times. I doubt whether the people of this country would suffer an execution for heresy, or a three years imprisonment for not [297] comprehending the mysteries of the trinity. But is the spirit of the people

an infallible, a permanent reliance? Is it government? Is this the kind of protection we receive in return for the rights we give up? Besides, the spirit of the times may alter, will alter. Our rulers will become corrupt, our people careless. A single zealot may commence persecuter, and better men be his victims. It can never be too often repeated, that the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion. [298]

QUERY XVIII.

The particular customs and manners that may happen to be received in that State?

It is difficult to determine on the standard by which the manners of a nation may be tried, whether *catholic* or *particular*. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it [299] should always be a sufficient one that his

child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execrations should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patriæ of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labour for another: in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavours to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is [300] destroyed. For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labour. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.— But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is [301] abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the

auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.

QUERY XIX.

The present state of manufactures, commerce, interior and exterior trade?

We never had an interior trade of any importance. Our exterior commerce has suffered very much from the beginning of the present contest. During this time we have manufactured within our families the most necessary articles of cloathing. Those of cotton will bear some comparison with the same kinds of manufacture in Europe; but those of wool, flax and hemp are very coarse, unsightly, and unpleasant: and such is our attachment to agriculture, and such our preference for foreign manufactures, that be it wise or unwise, our people will certainly re-[302] turn as soon as they can, to the raising raw materials, and exchanging them for finer manufactures than they are able to execute themselves.

The political œconomists of Europe have established it as a principle, that every State should endeavour to manufacture for itself; and this principle, like many others, we transfer to America, without calculating the difference of circumstance which should often produce a difference of result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufacture must therefore be resorted to, of necessity, not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise [303] might escape from the face of the earth. Corruption of morals in the

mass of cultivators is a phænomenon of which no age nor nation has furnished an example. It is the mark set on those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on casualties and caprice of customers. Dependance begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances: but, generally speaking the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. While we have land to labour then, let us never wish to see our citizens occupied at a workbench, or twirling a distaff. Carpenters, masons, smiths, are wanting in husbandry: but, for the general operations of manufacture, let our work-shops remain in Europe. It is better to carry provisions and materials to work-[304] men there, than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.[1]

[1] In a letter to Lithgow (Jan. 4, 1805) concerning a revised edition of the *Notes*, Jefferson wrote:

"I should in that case certainly qualify several expressions in the nineteenth chapter, which have been construed differently from what they were intended. I had under my eye when writing, the manufactures of the great cities in the old countries, at the present time, with whom the want of food and clothing necessary to sustain life, has begotten a depravity of morals, a dependence and corruption, which renders them an undesirable accession to a country whose morals are sound. My expressions look forward to the time when our own great cities would get into the same state. But they have been quoted as if meant for the present time here. As yet our manufactures are as much at their ease, as independent and moral as our agricultural habits, and they will

QUERY XX.

A notice of the commercial productions particular to the state, and of those objects which the inhabitants are obliged to get from Europe and from other parts of the world?

Before the present war we exported, *communibus annis*, according to the best information I can get, nearly as follows: [305]

Articles.	Quantity.	Price in Dollars	Amount in Dollars
Tobacco	55,000 hhds. of 1,000 lbs.	at 30d. per hhd.	1,650,000
Wheat	800,000 bushels.	at 5-6d. per bush.	666,666⅔
Indian corn	600,000 "	at ⅓d. per bush.	200,000
Shipping	.....	.....	100,000
Masts, planks, scantling, shingles, staves	.....	.....	66,666⅔
Tar, pitch, turpentine	30,000 barrels.	at 1⅓d. per bbl.	40,000
Peltry, viz., skins of deer, beavers, otters, musk rats, raccoons, foxes	180 hhds. of 600 lbs.	at 5-12d. per lb.	42,000
Pork	4,000 barrels.	at 10d. per bbl.	40,000
Flax-seed, hemp, cotton	.....	.....	8,000
Pit coal, pig iron	.....	.....	6,666⅔
Peas	5,000 bushels.	at ⅔d. per bush.	3,333⅓
Beef	1,000 barrels.	at 3⅓d. per bbl.	3,333⅓
Sturgeon, white shad, herring	.....	.....	3,333⅓
Brandy from peaches and apples, and whiskey	.....	.....	1,666⅔
Horses	.....	.....	1,666⅔
	.....	.....	2,833,333⅓[1]

[306.]

continue so as long as there are vacant lands for them to resort to; because whenever it shall be attempted by the other classes to reduce them to the minimum of subsistence, they will quit their trades and go to laboring the earth. A first question is, whether it is desirable for us to receive at present the dissolute and demoralized handicraftsmen of the old cities of Europe? A second and more difficult one is, when even good handicraftsmen arrive here, is it better for them to set up their trade, or go to the culture of the earth? Whether their labor in their trade is worth more than their labor on the soil, increased by the creative energies of the earth? Had I time to revise that chapter, this question should be discussed, and other views of the subject taken, which are presented by the wonderful changes which have taken place here since 1781, when the Notes on Virginia were written. Perhaps when I retire, I may amuse myself with a serious review of this work; at present it is out of the question. Accept my salutations and good wishes."

[1] This sum is equal to £850,000; Virginia money, 607,142 guineas.— *T. J.*

In the year 1758 we exported seventy thousand hogsheads of tobacco, which was the greatest quantity ever produced in this country in one year. But its culture was fast declining at the commencement of this war, and that of wheat taking its place: and it must continue to decline on the return of peace. I suspect that the change in the temperature of our climate has become sensible to that plant, which, to be good, requires an extraordinary degree of heat. But it requires still more indispensably an uncommon fertility of soil: and the price which it commands at market will not enable the planter to produce this by manure. Was the supply still to depend on Virginia and Maryland alone, as its culture becomes more difficult, the price would rise, so as to enable the planter to surmount those difficulties and to live. But the western country on the Missisipi, and the midlands of Georgia, having fresh and fertile lands in abundance, and a hotter sun, will be able to undersell these two states, and will oblige them to abandon the raising of tobacco altogether. And a happy obligation for them it will be. It is a culture productive of infinite wretchedness. [307] Those employed in it are in a continual state of exertion beyond the power of nature to support. Little food of any kind is raised by them; so that the men and animals on these farms are illy fed, and the earth is rapidly impoverished. The cultivation of wheat is the reverse in every circumstance. Besides cloathing the earth with herbage, and preserving its fertility, it feeds the labourers plentifully, requires from them only a moderate toil, except in the season of harvest, raises great numbers of animals for food and service, and diffuses plenty and happiness among the whole. We find it easier to make an hundred bushels of wheat than a thousand weight of tobacco, and they are worth more when made. The weavil indeed is a formidable obstacle to the cultivation of this grain with us. But principles are already known which must lead to a remedy. Thus a certain degree of heat, to wit, that of the common air in summer, is necessary to hatch the eggs. If subterranean granaries, or others, therefore, can be contrived below that temperature, the evil will be cured by cold. A degree of heat beyond that which hatches the egg we know will [308] kill it. But in aiming at this we easily run into that which produced putrefaction. To produce putre-

faction, however, three agents are requisite, heat, moisture, and the external air. If the absence of any one of these be secured, the other two may safely be admitted. Heat is the one we want. Moisture then, or external air, must be excluded. The former has been done by exposing the grain in kilns to the action of fire, which produces heat, and extracts moisture at the same time : the latter, by putting the grain into hogsheads, covering it with a coating of lime, and heading it up. In this situation its bulk produced a heat sufficient to kill the egg ; the moisture is suffered to remain indeed, but the external air is excluded. A nicer operation yet has been attempted ; that is, to produce an intermediate temperature of heat between that which kills the egg, and that which produces putrefaction. The threshing the grain as soon as it is cut, and laying it in its chaff in large heaps, has been found very nearly to hit this temperature, though not perfectly, nor always. The heap generates heat sufficient to kill most of the eggs, whilst the chaff commonly restrains it from rising into putrefaction. But all these [309] methods abridge too much the quantity which the farmer can manage, and enable other countries to undersell him, which are not infested with this insect. There is still a desideratum then to give with us decisive triumph to this branch of agriculture over that of tobacco.—The culture of wheat by enlarging our pasture, will render the Arabian horse an article of very considerable profit. Experience has shown that ours is the particular climate of America where he may be raised without degeneracy. Southwardly the heat of the sun occasions a deficiency of pasture, and northwardly the winters are too cold for the short and fine hair, the particular sensibility and constitution of that race. Animals transplanted into unfriendly climates, either change their nature and acquire new senses against the new difficulties in which they are placed, or they multiply poorly and become extinct. A good foundation is laid for their propagation here by our possessing already great numbers of horses of that blood, and by a decided taste and preference for them established among the people. Their patience of heat without injury, their superior wind, fit them better in this and the more southern climates even for the drudge- [310] ries of the plough and wagon. Northwardly they will become an object only to persons of taste and fortune, for the saddle

and light carriages. To these, and for these uses, their fleetness and beauty will recommend them.—Besides these there will be other valuable substitutes when the cultivation of tobacco shall be discontinued, such as cotton in the eastern parts of the state, and hemp and flax in the western.

It is not easy to say what are the articles either of necessity, comfort, or luxury, which we cannot raise, and which we therefore shall be under a necessity of importing from abroad, as everything hardier than the olive, and as hardy as the fig, may be raised here in the open air. Sugar, coffee and tea, indeed, are not between these limits; and habit having placed them among the necessaries of life with the wealthy part of our citizens, as long as these habits remain we must go for them to those countries which are able to furnish them. [311]

QUERY XXI.

The weights, measures and the currency of the hard money? Some details relating to exchange with Europe?

Our weights and measures are the same which are fixed by acts of parliament in England.—How it has happened that in this as well as the other American States the nominal value of coin was made to differ from what it was in the country we had left, and to differ among ourselves too, I am not able to say with certainty. I find that in 1631 our house of burgesses desired of the privy council in England, a coin debased to twenty-five per cent: that in 1645 they forbid dealing by barter for tobacco, and established the Spanish piece of eight at six shillings, as the standard of their currency: that in 1655 they changed it to five shillings sterling. In 1680 they sent an address to the king, in consequence of which, by proclamation in 1683, he fixed the value of French crowns, rixdollars, and pieces of eight, at six shillings, and the coin of New England at one shilling. That in 1710, 1714, 1727, and 1762 other regulations were made, which will be better presented to the eye stated in the form of a table as follows: [312]

	1710.	1714.	1727.	1762.
Guineas	....	26s.		
British gold coin not milled, gold coin of Spain and France, chequins, Arabian gold, moidores of Portugal.	....	5s. dwt.		
Coined gold of the empire	....	5s. dwt.	....	4s. 3d. dwt.
English milled silver money, in proportion to the crown, at	....	5s. 10d.	6s. 3d.	
Pieces of eight of Mexico, Seville & Pillar, ducatoons of Flanders, French ecus, or silver Louis, crusados of Portugal	3¾d. dwt.	....	4d. dwt.	
Peru pieces, cross dollars, and old rix dollars of the empire	3½d. dwt.	....	3¾d. dwt.	
Old British silver coin not milled	....	3¾d. dwt.		313[1]

[1] In the edition of 1853, the following footnote is added:

"In the States the Dollar is valued at 6s., the coincidence of their currency with the Greek and Roman moneys is so singular as to be worthy of notice, and to found a suspicion that this object may have had some influence in fixing our moneys at this particular point, at a time when the value of Greek and Roman learning was more justly estimated than at this day. The Penny *Lawful* is precisely the Roman *As*, which was their unit; 10 of which, equal to *Ten Pence Lawful*, made the Attic Drachma, according to Pliny, L. 21, c. 33. In the latter ages of their history the moneys of these two people were interwoven so as to make parts of the same series, which were in some degree decimal.

The As (L. at first Libralis, but latterly ½ an ounce of copper, and called Libella = 1d. lawful.

10 As made the Denarius (X.,) or Attic Drachm = 10d.

100 Denarii made the Mina or Pondo = 1,000d.; or £4 3s. 4d.

The Denarius having been divided into fourths of 2½ As each, the fourth was called

A Sestertius or Nummus, (LLS., or HS) = 2½.

100 Sesterces made an Aureus latterly = 250d., £1 0s. 10d.

1,000 Sesterces made the Sestertium = £10 8s. 4d.

The Libra = 96X. = £4 lawful

The Talent of Silver = 60 Mina = £250.

The Talent of Gold was the decuple of the talent of silver, at the proportion of 10 for 1, as among the Romans = £2,500.

And was the Military of the Libra, if valued at 16 for 1, as among moderns = 1,000 Libra = £4,000.

"It is understood that the Attic Drachm of silver was exactly our Drachm Troy of 60 grains; The Denarius of the Romans was the 7th part of their Ounce, which is supposed to have been exactly our Avoirdupois Ounce; but this is of 437½ grains Troy, which would make the Roman Denarius 62½ grains; and consequently $\frac{1}{24}$ more than the Attic Drachm, contrary to the testimony of antiquity, that the Denarius and Drachm were equal. We may very probably conjecture that our Troy weight is taken from the Grecians, from whom

The first symptom of the depreciation of our present paper-money, was that of silver dollars selling at six shillings, which had before been worth but five shilling and ninepence. The assembly thereupon raised them by law to six shillings. As the dollar is now likely to become the money-unit of America, as it passes at this rate in some of our sister-states, and as it facilitates their computation in pounds and shillings, &c e converso, this seems to be more convenient than its former denomination. But as this particular coin now stands higher than any other in the proportion of $133\frac{1}{3}$ to 125, or 16 to 15, it will be necessary to raise the others in proportion.

our physicians derive their science, and, in copying their receipts, would, of course preserve their weights, which fix the quantum and proportion of ingredients. We may as probably affirm that our Avoirdupois weight is taken from the Romans, from whom, through their colonies and conquests in France, Spain, Germany, Britain, we derive our agriculture and commerce. Accordingly we observe that, while we weigh our physic by the Troy or Grecian weights, we use the Avoirdupois or Roman for the productions of agriculture and general articles of commerce; and since antiquity affirms that these two series were united by the equality of the Drachm and Denarius, we must conclude that in progress of time they have become a little separated in use with us, to wit, $\frac{1}{27}$ part as before noted.

"But the point at which their separation has been arrested and fixed is a very remarkable one: 1,000 ounces avoirdupois make exactly a cubic foot of water. This integral, decimal, and cubical relation induces a presumption, that while deciding amongst the varieties and uncertainties which, during the ruder ages of arts, we know had crept into the weights and measures of England, they had adopted for their standard those which stood so conveniently connected through the medium of a natural element, always at hand to be appealed to.

"The ounce Avoirdupois being thus fixed at the thousandth part of a cubic foot of water, the Winchester bushel, of 2,150.4 cubic inches, filled with water, would weigh 77.7 lb Avoirdupois, and, filled with wheat of statute quality, weighed 64 lb. Amidst the varieties discovered between the standard weights, Avoirdupois and Troy, in their different depositories, it would be discovered that all of them were a little over or under this proportion; and this would suffice to give this proportion the preference, and to fix the standard relation between the Avoirdupois and Troy pounds at that which Nature has established between the weights of water and wheat; and the Troy grain, 5,760 of which make the pound Troy, would be so adjusted as that 7,000 of them would make the pound Avoirdupois—for 7,000 : 5,760 : : 77.7 : 64. Exactly the same proportion is known to exist between the dry and liquid measures—for the corn gallon contains 272 cubic inches, and the ancient liquid gallon of Guildhall 224 cubic inches—so that the system of weights and measures, Avoirdupois and

QUERY XXII.

The public Income and expences?

The nominal amount of these varying constantly and rapidly, with the constant and rapid depreciation of our paper-money, it becomes impracticable to say what they are. We find ourselves cheated in every essay by the depreciation intervening between the [314] declaration of the tax and its actual receipt. It will therefore be more satisfactory to consider what our income may be when we shall find means of collecting what our people may spare. I should estimate the whole taxable property of this State at an hundred millions of dollars, or thirty millions of pounds our money. One per cent on this, compared with anything we ever yet paid, would be deemed a very heavy tax. Yet I think that those who manage well, and use reasonable œconomy, could pay one and a half per cent, and maintain their household com-

Troy, dry and liquid, are found to be in the simple relation of the weights and measures of the two obvious and natural subjects, water and wheat; that is to say, the Pound Avoirdupoise: Pound Troy:: the weight of water: weight of wheat:: the bulk of the corn gallon: the bulk of the liquid gallon; or, 7,000: 5,760:: 77.7: 64:: 272: 224.

"These weights and measures seem to have been so combined as to render it immaterial whether a commodity was dealt out by weight or measure; for the dry gallon of wheat, and the liquid one of wine, were of the same weight; and the Avoirdupois pound of wheat, and the Troy pound of wine, were of the same measure. A more natural, accurate, and curious reconciliation of the two systems of Greece and Rome, which happened to be found in use, could not have been imagined; and the extension of the connection, from weights and measures to coins, as is done so integrally by our lawful currency, which makes the penny of 6 grains of silver as was the Roman As, has completed the system.

"It is true, we find no trace, either in English or American history, that these were the views which determined the relation existing between our weights, measures, and moneys; but it is more difficult to conceive that such a series of combinations should have been merely accidental, and that history should have been silent about them.

"I am aware that there are differences of opinion as to the ancient weights and coins. Those here stated are taken from Brerewood, Kennet, Ainsworth, and the Enclyclopedia, and are as likely to have prevailed with our ancestors as the opinions opposed to them."

fortably in the meantime, without aliening any part of their principal, and that the people would submit to this willingly for the purpose of supporting their present contest. We may say then that we could raise, and ought to raise, from one million to one million and a half of dollars annually, that is from three hundred to four hundred and fifty thousand pounds, Virginia money.

Of our expences it is equally difficult to give an exact state, and for the same reason. They are mostly stated in paper money, which varying continually, the legislature endeavors at every session, by new cor- [315]rections, to adapt the nominal sums to the value it is wished they would bear. I will state them therefore in real coin, at the point at which they endeavor to keep them.

	Dollars.
The annual expenses of the general assembly are about	20,000
The governor	3,333⅓
The council of state	10,666⅔
Their clerks	1,166⅔
Eleven judges	11,000
The clerk of the chancery	666⅔
The attorney general	1,000
Three auditors and a solicitor	5,333⅓
Their clerks	2,000
The treasurer	2,000
His clerks	2,000
The keeper of the public jail	1,000
The public printer	1,666⅔
Clerks of the inferior courts	43,333⅓
Public levy: this is chiefly for the expenses of criminal justice	40,000
County levy, for bridges, court-houses, prisons, &c.	40,000
[316]	
Members of Congress	7,000
Quota of the Federal civil list, supposed $\frac{1}{6}$ of about 78,000 dollars	13,000
Expences of collecting, six per cent. on the above	24,310 [1]
The clergy received only voluntary contributions; suppose them on an average $\frac{1}{8}$ of a dollar a tythe on 200,000 tythes	25,000
Contingencies, to make round numbers not far from truth	5,523⅓ [2]
	$250,000

[1] Altered in edition of 1787 to "12,310."

[2] Altered in edition of 1787 to "7523⅓."

Dollars or 98,571 [1] guineas. This estimate is exclusive of the military expence. That varies with the force actually employed, and in time of peace will probably be little or nothing. It is exclusive also of the public debts, which are growing while I am writing, and cannot therefore be now fixed. From these articles if we strike out that of 200,000 dollars for the maintenance of the poor, and 12,000 dollars for its collection, which being merely a matter of charity, cannot be deemed expended in the administration of government; and the 25,000 dollars [2] for the services of the clergy which neither makes [317] part of that administration, more than what is paid to physicians, or lawyers, and being voluntary, is either much or nothing as every one pleases, it leaves $223,000, equal to 47,785 guineas, the real cost of the apparatus of government with us. This, divided among the actual inhabitants of our country comes to about two fifths of a dollars, 22d sterling, or 42 sols, the price which each pays annually for the protection of the residue of his property, that of his person and the other advantages of a free government. The public revenues of Great Britain divided in like manner on its inhabitants would be sixteen times greater. Deducting the aggregate sum of 460,000 dollars [3] from the million and a half of dollars which we before supposed might be annually paid without distress, we may conclude that this state can contribute one million of dollars annually towards supporting the federal army, paying the federal debt, building a federal navy, or opening roads, clearing rivers, forming safe ports, and other useful works.

To this estimate of our abilities, let me add a word as to the application of them, if, when cleared of the present contest, and of [317] the debts with which that will charge us, we come to measure force hereafter with any European power. Such events are devoutly to be deprecated. Young as we are, and with such

[1] Altered in edition of 1787 to "53,571."

[2] In the edition of 1787 from the word "From" to "25,000" dollars is cancelled and the following passage substituted: "So it is the maintenance of the poor, which being merely a matter of charity cannot be deemed expended in the administration of government. And if we strike out the $25,000" etc.

[3] Altered in edition of 1787 to read: "Deducting even the double of the expenses of government, as before estimated, from the million and a half," etc.

a country before us to fill with people and with happiness, we should point in that direction the whole generative force of nature, wasting none of it in efforts of mutual destruction. It should be our endeavor to cultivate the peace and friendship of every nation, even of that which has injured us most, when we shall have carried our point against her. Our interest will be to throw open the doors of commerce, and to knock off all its shackles, giving perfect freedom to all persons for the vent of whatever they may choose to bring into our ports, and asking the same in theirs. Never was so much false arithmetic employed on any subject, as that which has been employed to persuade nations that it is their interest to go to war. Were the money which it has cost to gain, at the close of a long war, a little town, or a little territory, the right to cut wood here, or to catch fish there, expended in improving what they already possess, in making roads, opening rivers building ports, improving the arts [319] and finding employment for their idle poor, it would render them much stronger, much wealthier and happier. This I hope will be our wisdom. And perhaps, to remove as much as possible the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to justle with other nations : to leave to others to bring what we shall want, and to carry what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth ; and, I repeat it again, cultivators of the earth are the most virtuous and independant citizens. It might be time enough to seek employment for them at sea, when the land no longer offers it. But the actual habits of our countrymen attach them to commerce. They will exercise it for themselves. Wars then must sometimes be our lot ; and all the wise can do, will be to avoid that half of them which would be produced by our own follies, and our own acts of injustice ; and to make for the other half the best preparations we can. Of what nature should these be ? [320] A land army would be useless for offence, and not the best nor safest instrument of defence. For either of these purposes, the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To

aim at such a navy as the greater nations of Europe possess, would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expence which makes the European labourer go supperless to bed, and moistens his bread with the sweat of his brows. It will be enough if we enable ourselves to prevent insults from those nations of Europe which are weak on the sea, because circumstances exist, which render even the stronger ones weak as to us. Providence has placed their richest and most defenceless possessions at our door; has obliged their most precious commerce to pass, as it were, in review before us. To protect this, or to assail, a small part only of their naval force will ever be risqued across the Atlantic. The dangers to which the elements expose them here are too well known, and the greater dangers to which they would be ex- [321] posed at home were any general calamity to involve their whole fleet. They can attack us by detachment only; and it will suffice to make ourselves equal to what they may detach. Even a smaller force than they may detach will be rendered equal or superior by the quickness with which any check may be repaired with us, while losses with them will be irreparable till too late. A small naval force then is sufficient for us, and a small one is necessary. What this should be, I will not undertake to say. I will only say, it should by no means be so great as we are able to make it. Suppose the million dollars, or 300,000 pounds which Virginia could annually spare without distress, to be applied to the creating a navy. A single year's contribution would build, equip, man, and send to sea a force which should carry 300 guns. The rest of the confederacy, exerting themselves in the same proportion, would equip in the same time 1500 guns more. So that one year's contributions would set up a navy of 1800 guns. The British ships of the line average 76 guns; their frigates 38. 1800 guns then would form a fleet of 30 ships, 18 of which might [322] be of the line, and 12 frigates. Allowing 8 men, the British average, for every gun, their annual expence, including subsistance, cloathing, pay, and ordinary repairs, would be about 1280 dollars for every gun, or 2,304,000 dollars for the whole. I state this only as one year's possible exertion, without deciding whether more or less than a year's exertion should be thus applied.

The value of our lands and slaves, taken conjunctly, doubles in about twenty years. This arises from the multiplication of our slaves, from the extension of culture, and increased demand for lands. The amount of what may be raised will of course rise in the same proportion.

QUERY XXIII.

The histories of the state, the memorials published in its name in the time of its being a colony, and the pamphlets relating to its interior or exterior affairs present or antient?

Captain Smith, who next to Sir Walter Raleigh may be considered as the founder [323] of our colony, has written its history, from the first adventures to it till the year 1624. He was a member of the council, and afterwards president of the colony; and to his efforts principally may be ascribed its support against the opposition of the natives. He was honest, sensible, and well informed; but his style is barbarous and uncouth. His history, however, is almost the only source from which we derive any knowledge of the infancy of our State.

The reverend William Stith, a native of Virginia, and president of its college, has also written the history of the same period, in a large octavo volume of small print. He was a man of classical learning, and very exact, but of no taste in style. He is inelegant, therefore, and his details often too minute to be tolerable, even to a native of the country, whose history he writes.

Beverley, a native also, has run into the other extreme, he has comprised our history from the first propositions of Sir Walter Raleigh to the year 1700, in the hundredth part of the space which Stith employs for the fourth part of the period. [324]

Sir William Keith has taken it up at its earliest period, and continued it to the year 1725. He is agreeable enough in style, and passes over events of little importance. Of course he is short, and would be preferred by a foreigner.

During the regal government, some contest arose on the exaction of an illegal fee by governor Dinwiddie, and doubtless there

were others on other occasions not at present recollected. It is supposed that these are not sufficiently interesting to a foreigner to merit a detail.

The petition of the council and burgesses of Virginia to the king, their memorials to the lords, and remonstrance to the commons in the year 1764, began the present contest: and these having proved ineffectual to prevent the passage of the stamp-act, the resolutions of the house of burgesses of 1765 were passed declaring the independance of the people of Virginia of the parliament of Great Britain, in matters of taxation. From that time till the declaration of independnce by Congress in 1776, their journals are filled with assertions of the public rights. [325]

The pamphlets published in this State on the controverted question, were,

1766, An Inquiry into the rights of the British Colonies, by Richard Bland.

1769, The Monitor's Letters, by Dr. Arthur Lee.

1774, A summary View of the rights of British America.[1]

1774, Considerations &c., by Robert Carter Nicholas.

Since the declaration of independance this State has had no controversy with any other, except with that of Pennsylvania, on their common boundary. Some papers on this subject passed between the executive and legislative bodies of the two states, the result of which was a happy accommodation of their rights.

To this account of our historians, memorials and pamphlets, it may not be unuseful to add a chronological catalogue of American state-papers, as far as I have been able to collect their titles. It is far from being either complete or correct. Where the title alone, and not the paper itself, has come under my observation, I cannot an- [326] swer for the exactness of the date. Sometimes I have not been able to find any date at all, and sometimes have not been satisfied that such a paper exists. An extensive collection of papers of this description has been for some time in a course of preparation by a gentleman[2] fully equal to the task, and from whom, therefore, we may hope ere long to receive it.

[1] By the author of these notes.—*T. J.* See *ante*, 1, 421.

[2] Mr. Hazard.—*T. J.*

In the meantime accept this as the result of my labors, and as closing the tedious detail which you have so undesignedly drawn upon yourself. [327]

1496, Mar. 5. 11. H. 7. Pro Johanne Caboto et filiis suis super terra incognita investiganda. 12. Ry. 595. 3. Hakl. 4. 2. Mem. Am. 409.

1498, Feb. 3. 13. H. 7. Billa signata anno 13. Henrici septimi. 3. Hakluyt's voiages 5.

1502, Dec. 19. 18. H. 7. De potestatibus ad terras incognitas investigandum. 13. Rymer. 37.

1540, Oct. 17. Commission de François I. à Jacques Cartier pour l'establissement du Canada. L'Escarbot. 397. 2. Mem. Am. 416.

1548, 2. E. 6. An act against the exaction of money, or any other thing, by any officer for license to traffique into Iseland and Newfoundland, made in An. 2. Edwardi sexti. 3. Hakl. 131.

1578, June 11. 20. El. The letters-patent granted by her Majestie to Sir Humphrey Gilbert, knight, for the inhabiting and planting of our people in America. 3. Hakl. 135.

1583, Feb. 6. Letters-patent of Queen Elizabeth to Adrian Gilbert and others [328] to discover the northwest passage to China. 3. Hakl. 96.

1584, Mar. 25. 26 El. The letters-patent granted by the Queen's majestie to M. Walter Raleigh, now knight, for the discovering and planting of new lands and countries, to continue the space of six years and no more. 3. Hakl. 243.

Mar. 7. 31. El. An assignment by Sir Walter Raleigh for continuing the action of inhabiting and planting his people in Virginia. Hakl. 1st. ed. publ. in 1589. p. 815.

1603, Nov. 8. Lettres de Lieutenant General de l'Acadie et pays circonvoisins pour le Sieur de Monts. L'Escarbot. 417.

1606, Apr. 10. 4 Jac. 1. Letters-patent to Sir Thomas Gates, Sir George Somers and others of America. Stith. Apend. No. 1.

1607, Mar. 9. 4. Jac. 1. An ordinance and constitution enlarging the council of the two colonies in Virginia and Amer-[329]ica, and augmenting their authority, M. S.

1609, May 23. 7. Jac. 1. The second charter to the treasurer and company for Virginia, erecting them into a body politick. Stith. Ap. 2.

1610, April 10, Jac. 1. Letters-patents to the E. of Northampton, granting part of the island of Newfoundland. 1. Harris. 861.

1611, Mar. 12. 9. Jac. 1. A third charter to the treasurer and company for Virginia. Stith. Ap. 3.

1617. Jac. 1. A commission to Sir Walter Raleigh. Qu.

1620. Apr. 7. 18. Jac. 1. Commissio specialis concernens le garbling herbæ Nocotianæ. 17. Rym. 190.

1620. June 29. 18. Jac. 1. A proclamation for restraint of the disordered trading of tobacco. 17. Rym. 233.

1620. Nov. 3. Jac. 1. A grant of New-England to the council of Plymouth.

1621, July 24 Jac. 1. An ordinance and constitution of the treasurer, council and company in England, for a council [330] of state and general assembly in Virginia. Stith. Ap. 4.

1621, Sep. 10. 20 Jac. 1. A grant of Nova Scotia to Sir William Alexander. 2. Mem. de l'Amerique. 193.

1622, Nov. 6. 20 Jac. 1. A proclamation prohibiting interloping and disorderly trading to New England in America. 17. Rym. 416.

1623, May 9. 21 Jac. 1. De commissione speciali Willelmo Jones militi directa. 17. Rym. 490.

1623. A grant to Sir Edmund Ployden, of New Albion. Mentioned in Smith's examination. 82.

1624, July 15. 22. Jac. 1, De commissione Henrico vicecomiti Mandevill et aliis. 17. Rym. 609.

1624, Aug. 26. 22 Jac. 1. De commissione speciali concernenti gubernationem in Virginia. 17. Rym. 618.

1624, Sep. 29. 22 Jac. 1. A proclamation concerning tobacco. 17. Rym. 621.

1624, Nov. 9. 22 Jac. 1. De concessione demiss, Edwardo Ditchfield et aliis. 17. Rym. 633. [331]

1625, Mar. 2. 22 Jac. 1. A proclamation for the utter prohibiting the importation and use of all tobacco which is not of the proper growth of the colony of Virginia and the Somer islands, or one of them. 17. Rym. 668.

1625, Mar. 4. 1 Car. 1. De commissione directa Georgio Yardeley militi et aliis. 18. Rym. 311.

1625, Apr. 9. 1 Car. 1. Proclamatio de herba Nicotianâ. 18. Rym. 19.

1625, May 13. 1 Car. 1. A proclamation for settlinge the plantation of Virginia. 18. Rym. 72.

1625, July 12. A grant of the soil, barony, and domains of Novia Scotia to Sir Wm. Alexander of Minstrie. 2. Mem. Am. 226.

1626, Jan. 31. 2 Car. 1. Commissio directa a Johanni Wolstenholme militi et aliis. 18. Rym. 831.

1626, Feb. 17. 2 Car. 1. A proclamation touching tobacco. Rym. 848.

1627, Mar. 19. qu? 2 Car. 1. A grant of Massachusetts bay by the council of Plymouth to Sir Henry Roswell and others. [332]

1627, Mar. 26, 3 Car. 1. De concessione commissionis specialis proconcilio in Virginia. 18. Rym. 980.

1627, Mar. 30. 3 Car. 1. De proclamatione de signatione de tobacco. 18. Rym. 886.

1627, Aug. 9. 3 Car. 1. De proclamatione pra ordinatione de tobacco. 18 Rym. 920.

1628, Mar. 4. 3 Car. 1. A confirmation of the grant of Massachusetts bay by the crown.

1629, Aug. 19. The capitulation of Quebec. Champlain pert. 2. 216. 2. Mem. Am. 489.

1630, Jan. 6. 5 Car. 1. A proclamation concerning tobacco. 19. Rym. 235.

1630, April 30. Conveyance of Novia Scotia (Port-royal excepted) by Sir William Alexander to Sir Claude St. Etienne Lord of la Tour and of Uarre and to his son Sir Charles de St. Etienne Lord of St. Denniscourt, on condition that they continue subjects to the king of Scotland under the great seal of Scotland.

1630–31, Nov. 4. 6 Car. I. A proclamation forbidding the disorderly trading with the savages in New England in Ame-[333]rica, especially the furnishing the natives in those and other parts of America by the English with weapons and habiliments of warre. 19. Ry. 210. 3. Rushw. 82.

1630, Dec. 5. 6 Car. I. A proclamation prohibiting the selling arms, &c., to the savages in America. Mentioned 3. Rushw. 75.

1630, Car. I. A grant of Connecticut by the council of Plymouth to the E. of Warwick.

1630, Car. I. A confirmation by the crown of the grant of Connecticut [said to be in the petty-bag office in England.]

1631, Mar. 19. 6 Car. I. A conveiance of Connecticut by the E. of Warwick to Lord Say, and Seal, and others. Smith's examination, Appendix No. 1.

1631, June 27. 7 Car. I. A special commission to Edward, Earle of Dorsett, and others, for the better plantation of the colony of Virginia. 19. Ry. 301. [334]

1632, June 29. 7 Car. I. Litere continentes promissionem regis ad tradenum castrum et habitationem de Kebec in Canada ad regem Francorum. 19. Ry. 303.

1632, Mar. 29. 8 Car. I. Traité entre le roy Louis XIII. et Charles roi d'Angleterre pour la restitution de la nouvelle France, la Cadie et Canada et des navires et merchandises pris de part et d'autre. Fait a St. Germain. 19. Ry. 361. 2 Mem. Am. 5.

1632, June 20. 8 Car. I. A grant of Maryland to Cæcilius Calvert, baron of Baltimore in Ireland.

1633, July 3. 9 Car. I. A petition of the planters of Virginia against the grant to lord Baltimore.

1633, July 3. Order of council upon the dispute between the Virginia planters and Lord Baltimore, Votes of repres. Pennsylvania V.

1633, Aug. 13. 9 Car. I. A proclamation to prevent abuses growing by the unordered re-[335] tailing of tobacco. Mentioned 3. Rushw. 191.

1633, Sep. 23. 9 Car. I. A special commission to Thomas Young to search, discover and find out what ports are not yet inhabited in Virginia and America and other parts thereunto adjoining. 19. Ry. 472.

1633, Oct. 13. 9 Car. I. A proclamation for preventing of the abuses growing by the unordered retailing of tobacco. 19. Ry. 474.

1633, Mar. 13. Cer. I. A proclamation restraining the abusive venting of tobacco. 19. Rym. 522.

1634, May 19. 10 Car. I. A proclamation concerning the landing of tobacco, and also forbidding the planting thereof in the king's dominions. 19. Ry. 553.

1634, Car. 1. A commission to the Archbishop of Canterbury and 11 others, for governing the American colonies.

1634, June 19. 10 Car. 1. A commission concerning tobacco. M. S. [336]

1635, July 18. 11 Car. 1. A commission from Lord Say, and Seal, and others, to John Winthrop to be governor of Connecticut. Smith's App.

1635, Car. 1. A grant to Duke Hamilton.

1636, Apr. 2. 12 Car. 1. De commissione speciali Johanni Harvey militi to pro meliori regemine coloniae in Virginia. 20. Ry. 3.

1637, Mar. 14. Car. 1. A proclamation concerning tobacco. Title in 3. Rush. 617.

1636-7, Mar. 16. 12 Car. 1. De commissione speciali Georgio domino Goring et aliis concessâ concernente venditionem de tobacco absque licentiâ regiâ. 20. Ry. 116.

1637, Apr. 30. 13 Car. 1. A proclamation against disorderly transporting his Majesty's subjects to the plantations within the parts of America. 20. Ry. 143. 3. Rush. 409.

1637, May 1. 13 Car. 1. An order of the privy council to stay 8 ships now in the Thames from going to New England. 3. Rush. 409. [337]

1637, Car. 1. A warrant of the Lord Admiral to stop unconformable ministers from going beyond the sea. 3. Rush. 410.

1638, Apr. 4. Car. 1. Order of council upon Claiborne's petition against Lord Baltimore. Votes of representatives of Pennsylvania. vi.

1638, Apr. 6. 14 Car. 1. An order of the king and council that the attorney general draw up a proclamation to prohibit transportation of passengers to New England without license. 3. Rush. 718.

1638, May 1. 14 Car. 1. A proclamation to restrain the transporting of passengers and provisions to New England without license. 20. Ry. 223.

1639, Mar. 25. Car. 1. A proclamation concerning tobacco. Title 4. Rush. 1060.

1639, Aug. 19. 15 Car. 1. A proclamation declaring his majesty's pleasure to continue his commission and letters patents for licensing retailers of tobacco. 20. Ry. 348. [338]

1639, Dec. 16. 15 Car. 1. De commissione speciali Henrico Ashton armigero ét aliis ad amovendum Henricum Hawley gubernatorem de Barbadoes. 20. Rym. 357.

1639, Car. 1. A proclamation concerning retailers of tobacco. 4. Rush. 966.

1641, Aug. 9. 17 Car. 1. De constitutione gubernatoris et concilii pro Virginia. 20. Ry. 484.

1643, Car. 1. Articles of union and confederacy entered into by Massachusetts, Plymouth, Connecticut and New-haven. 1. Neale. 223.

1644, Car. 1. Deed from George Fenwick to the old Connecticut jurisdiction.

An ordinance of the lords and commons assembled in parliament, for exempting from custom and imposition all commodities exported for, or imported from New-England, which has been very prosperous and without any public charge to this state,

and is likely to prove [339] very happy for the propagation of the gospel in those parts. Tit. in Amer. library 90. 5. No date. But seems by the neighbouring articles to have been in 1644.

1644, June 20. Car. 2. An act for charging of tobacco brought from New England with custom and excise. Title in American library. 99. 8.

1644, Aug. 1. Car. 2. An act for the advancing and regulating the trade of this commonwealth. Tit. in Amer. libr. 99. 9.

Sept. 18. 1 Car. 2. Grant of the Northern neck of Virginia to Lord Hopton, Lord Jermyn, Lord Culpepper, Sir John Berkley, Sir William Moreton, Sir Dudley Wyatt, and Thomas Culpepper.

1650. Oct. 3. 2 Car. 2. An act prohibiting trade with the Barbadoes, Virginia, Bermudas and Antego. Scobell's Acts. 1027.

1650, Car. 2. A declaration of Lord Willoughby, governor of Barbadoes, and [340] of his council, against an act of parliament of 3d of October, 1650. 4. Polit. register. 2. cited from 4 Neal. hist. of the Puritans. App. No. 12 but not there.

1650, Car. 2. A final settlement of boundaries between the Dutch New Nether lands and Connecticut.

1651, Sept. 26. 3 Car. 2. Instructions for Captain Robert Dennis, Mr. Richard Bennet, Mr. Thomas Stagge, and Captain William Claibourn, appointed commissioners for the reducing of Virginia and the inhabitants thereof to their due obedience to the commonwealth of England. 1. Thurloe's state papers, 197.

1651, Oct. 9. 8 Car. 2. An act for increase of shipping and encouragement of the naviga tion of this nation. Scobell's acts, 1449.

1651/2. Mar. 12. 4 Car. 2. Articles agreed on and concluded at James citie in Virginia for the surrendering and settling of [341] that plantation under the obedience and government of the commonwealth of England, by the commissioners of the council of state, by authoritie of the parliament of England, and by the grand assembly of the governor, council, and burgesse of that state. M. S. [Ante. p. 206.]

1651-2. Mar. 12. 4 Car. 1. An act of indempnitie made at the surrender of the country [of Virginia] [Ante p. 206.]

1654, Aug. 16. Capitulation de Port Royal. Mem. Am. 507.

1655, Car. 2. A proclamation of the protector relating to Jamaica. 3 Thurl. 75.

1655, Sept. 26. 7 Car. 2. The protector to the commissioners of Maryland. A letter. 4. Thurl. 55.

1655, Oct. 8. 7 Car. 2. An instrument made at the council of Jamaica, Oct. 8, 1655, for the better carrying on of affairs there. 4. Thurl. 71. [342]

1655, Nov. 3. Treaty of Westminster between France and England. 6. corps diplom. part 2. p. 121. 2 Mem. Am. 10.

1656, Mar. 27. 8 Car. 2. The assembly at Barbadoes to the protector. 4 Thurl. 651.

1656, Aug. 9. A grant by Cromwell to Sir Charles de Saint Etienne, a baron of Scotland, Crowne and Temple. A French translation of it. 2. Mem. Am. 511.

1656, Car. 2. A paper concerning the advancement of trade, 5 Thurl. 80.

1656, Car. 2. A brief narration of the English rights to the Northern parts of America. 5. Thurl. 81.

1656, Oct. 10. 8 Car. 2. Mr. R. Bennet and Mr. S. Matthew to Secretary Thurlow. 5 Thurl. 482.

1656, Oct. 10. 8 Car. 2. Objections against the Lord Baltimore's patent, and reasons why the government of Maryland should not be put into his hands. 5. Thurl. 482.

1656, Oct. 10. 8 Car. 2. A paper relating to Maryland. 5. Thurl. 483. [343]

1656, Oct. 10. 8 Car. 2. A breviet of the proceedings of the lord Baltimore and his officers and compilers in Maryland, against the authority of the parliament of the commonwealth of England and against his highness the lord protector's authority, laws and government. 5 Thurl. 486.

1656, Oct. 15. 8 Car. 2. The assembly of Virginia to secretary Thurlow. 5 Thurl. 497.

1657, Apr. 4. 9 Car. 2. The governor of Barbadoes to the protector. 6 Thurl. 69.

1661, Car. 2. Petition of the general court at Hartford upon Connecticut for charter. Smith's exam. App. 4.

1662, Apr. 23. 14 Car. 2. Charter of the colony of Connecticut. Smith's exam. App. 6.

1662/3, Mar. 24. Apr. 4. 15 C. 2. The first charter granted by Charles II. to the proprietaries of Carolina, to wit, to the Earl of Clarendon, Duke of Albemarle, Lord Craven, Lord Berkeley, Lord Ashley, Sir George Carteret, Sir William Berkeley, [344] and Sir John Colleton. 4 Mem. Am. 554.

1664, Feb. 10. The concessions and agreement of the lords proprietors of the province of New Cæsarea, or New Jersey, to and with all and every of the adventurers and all such as shall settle or plant there. Smith's New Jersey. App. 1.

1664, Mar. 12. 20 Car. 2. A grant of the colony of New York to the Duke of York.

1664, Apr. 26. 16 Car. 2. A commission to Colonel Nichols and others to settle disputes in New England. Hutch. Hist. Mass. Bay, App. 537.

1664, Apr. 26. The commission to Sir Robert Carre and others to put the Duke of York in possession of New York, New Jersey, and all other lands thereunto appertaining.

Sir Robert Carre and others proclamation to the inhabitants of New York, New Jersey, &c. Smith's N. J. 36. [345]

1664, June 23. 24. 16 Car. 2. Deeds of lease and release of New Jersey by the Duke of York to Lord Berkeley and Sir George Carteret.

A conveiance of the Delaware counties to William Penn.

1664, Aug. 13, 20, 23, 24. Aug. 25. Sept. 4. Letters between Stuyvesant and Colonel Nichols on the English right. Smith's N, J. 37—42.

1664, Aug. 27. Treaty between the English and Dutch for the surrender of the New Netherlands. Sm. N. J. 42.

Sept. 3. Nicoll's commission to Sir. Robert Carre to reduce the Dutch on the Delaware bay. Sm. N. J. 47.

Instructions to Robert Carre for the reducing of Delaware bay and settling the people there under his majesty's obedience. Sm. N. J. 47.

1664, Oct. 1. Articles of capitulation between Sir Robert Carre and the Dutch and Swedes on Delaware bay [346] and Delaware river. Sm. N. J. 49.

1664, Dec. 1. 16 Car. 2. The determination of the commissioners of the boundary between the Duke of York and Connecticut. Sm. Ex. Ap. 9.

1664. The New Haven case. Smith's Ex. Ap. 20.

1665, June 13. 24. 17 Car. 2. The second charter granted by Charles II. to the same proprietors of Carolina. 4. Mem. Am. 586.

1666, Jan. 26. Declaration de guerre par la France contre l'Angleterre. 3 Mem. Am. 123.

1666, Feb. 9. 17 Car. 2. Declaration of war by the king of England against the king of France.

1667, July 31. The treaty of peace between France and England made at Breda. 7 Corps, Dipl. part 1. p. 51 2. Mem. Am. 32.

1667, July 31. The treaty of peace and alliance between England and the United Provinces made at Breda. [347] 7. Cor. Dip. p. 1. d. 44. 2. Mem. Am. 40.

1667-8, Feb. 17. Acte de la session de l'Acadie au roi de France. 2. Mem. Am. 40.

1668, April 21. Directions from the governor and council of New York for a better settlement of the government on Delaware. Sm. N. J. 51.

1668. Lovelace's order for customs at the Hoarkills. Sm. N. J. 55.

16– May 8. 21 Car. 2. A confirmation of the grant of the northern neck of Virginia to the Earl of St. Albans, Lord Berkeley, Sir William Moreton and John Tretheway.

1672, Incorporation of the town of Newcastle or Amstel.

1673, Feb. 25. 25 Car. 2. A demise of the colony of Virginia to the Earl of Arlington and Lord Culpepper for 31 years. M. S.

1673-4. Treaty at London between king Charles II. and the Dutch. Article VI. [348]

Remonstrance against the two grants of Charles II. of Northern and Southern Virginia. Ment^{d}. Beverley 65.

1674, July 13. Sir George Carteret's instructions to Governor Carteret.

1674, Nov. 9. Governor Andros's proclamation on taking possession of Newcastle for the Duke of York. Sm. N. J. 78.

1675, Oct. 1. 27 Car. 2. A proclamation for prohibiting the importation of commodities of Europe into any of his majesty's plantations in Africa, Asia, or America, which were not laden in England; and for putting all other laws relating to the trade of the plantations in effectual execution.

1676, Mar. 3. The concessions and agreements of the proprietors, freeholders and inhabitants of the province of West-New-Jersey in America. Sm. N. J. App. 2.

1676, July 1. A deed quintipartite for the division of New Jersey. [349]

1676, Aug. 18. Letter from the proprietors of New Jersey to Richard Hartshorne. Sm. N. J. 80.

Proprietors instructions to James Wasse and Richard Hartshorne. Sm. N. J. 83.

1676, Oct. 10. 28 Car. 2. The charter of king Charles II. to his subjects of Virginia. M.S.

1676. Cautionary epistle from the trustees of Byllinge's part of New Jersey. Sm. N. J. 84.

1677, Sept. 10. Indian deed for the lands between Rankokas creek and Timber creek, in New Jersey.

1677, Sept. 27. Indian deed for lands from Oldman's creek to Timber creek, in New Jersey.

1677, Oct. 10. Indian deed for the lands from Rankokus creek to Assunpink creek in New Jersey.

1678, Dec. 5. The will of Sir George Carteret, sole proprietor of East Jersey ordering the same to be sold.

1680, Feb. 16. An order of the king in council for the better encouragement of all [350] his majesty's subjects in their trade to his majesty's plantations, and for the better information of all his majesty's loving subjects in these matters—Lond. Gaz. No. 1596. Title in Amer. library. 134. 6.

1680. Arguments against the customs demanded in New West Jersey by the governor of New York, addressed to the Duke's commissioners. Sm. N. J. 117.

1680, June 14. 23. 25. Oct. 16. Nov. 4. 8. 11. 18. 20. 23. Dec. 16. 1680–1, Jan. 15. 22. Feb. 24. Extracts of proceedings of the committee of trade and plantations; copies of letters, reports, &c., between the board of trade, Mr. Penn, Lord Baltimore and Sir John Werden, in the behalf of the Duke of York and the settlement of the Pennsylvania boundaries by the L. C. J. North. Votes of Repr. Pennsyl. vii.–xiii.

1681, Mar. 4. Car. 2. A grant of Pennsylvania to William Penn. Votes of Represen. Pennsyl. xviii. [351]

1681, Apr. 2. The king's declaration to the inhabitants and planters of the province of Pennsylvania. Vo. Repr. Penn. xxiv.

1681, July 11, Certain conditions or concessions agreed upon by William Penn,

proprietary and governor of Pennsylvania, and those who are the adventurers and purchasers in the same province. Votes of Rep. Pennsyl. xxiv.

1681, Nov.9. Fundamental laws of the province of West New-Jersey. Sm. N. J. 126.

1681-2, Jan. 14. The methods of the commissioners for settling and regulation of lands in New Jersey. Sm. N. J. 130.

1681-2, F. 1. 2. Indentures of lease and release by the executors of Sir George Carteret to William Penn and 11 others, conveying East Jersey.

1682, Mar. 14. The Duke of York's fresh grant of East-New-Jersey to the 24 proprietors. [352]

1682, Apr. 25. The frame of the government of the province of Pennsylvania, in America. Votes of Repr. Penn. xxvii.

1782, Aug. 21. The Duke of York's deed for Pennsylvania. Vo. Repr. Penn. xxxv.

1682, Aug. 24. The Duke of York's deed for the feoffment of Newcastle and twelve miles circle to William Penn. Vo. Repr. Penn.

1682, Aug. 24. The Duke of York's deed of feoffment of a tract of land 12 miles south from Newcastle to the Whorekills, to William Penn. Vo. Repr. Penn. xxxvii.

1682, Nov. 27. 34 Car. 2. A commission to Thomas Lord Culpepper to be lieutenant and governor-general of Virginia. M.S.

1682, 10th mon. 6th day. An act of union for annexing and uniting of the counties of Newcastle, Jones's and Whorekill's, alias Deal, to the province of Pennsylvania, and of naturaliza- [353] tion of all foreigners in the province and counties aforesaid.

1682, Dec. 6. An act of settlement.

1683, Apr. 2. The frame of the government of the province of Pennsylvania and territories thereunto annexed in America.

1683, Apr. 17. 27. May 30. June 12. 1684, Feb. 12. July 2, 16, 23. Sept. 30. Dec. 9. 1685, Mar. 17. Aug. 18, 26. Sept. 2. Oct. 8, 17, 31. Nov. 7. Proceedings of the committee of trade and Plantations in the dispute between Lord Baltimore and Mr. Penn. Vo. R. P. xiii-xviii.

1683, July 17. A commission by the proprietors of East New Jersey to Robert Barclay to be governor. Sm. N. J. 166.

1683, July 26. 35 Car. 2. An order of council for issuing a quo warranto against the charter of the colony of the Massachusetts bay in New England, with his majesty's declaration that in case the said corporation of Massachusetts bay shall before prosecution had upon the same quo [354] warranto make a full submission and entire resignation to his royal pleasure, he will then regulate their charter in such a manner as shall be for his service and the good of that colony. Title in American library, 139, 6.

1683, Sept. 28. 35 Car. 2. A commission to Lord Howard of Effingham to be lieutenant and governor general of Virginia. M. S.

1684, May 3. The humble address of the chief governor, council and representatives of the island of Nevis, in the West Indies, presented to his majesty by Colonel Netheway and Captain Jefferson, at Windsor. May 3, 1684. Title in Amer. libr. 142. 3. cites Lond. Gaz. No. 1927.

1684, Aug. 2. A treaty with the Indians at Albany.

1686, Nov. 16. A treaty of neutrality for America between France and England. 7 Corps Dipl. part 2, p. 44. 2. Mem. Am. 40. [355]

1687. Jan. 20. By the king, a proclamation for the more effectual reducing and suppressing of pirates and privateers in America, as well on the sea as on the land in great numbers, committing frequent robberies and piracies, which hath occasioned a great prejudice and obstruction to trade and commerce, and given a great scandal and disturbance to our government in those parts. Title Amer. libr. 147. 2. cites Lond. Gaz. No. 2315.

1687, Feb. 12. Constitution of the council of proprietors of West Jersey. Smith's N. Jersey. 199.

1687, qu. Sept. 27. 4. Jac. 2. A confirmation of the grant of the Northern neck of Virginia to Lord Culpepper.

1687, Sept. 5. Governor Coxe's declaration to the council of proprietors of West Jersey. Sm. N. J. 190.

1687, Dec. 16. Provisional treaty of Whitehall concerning America between [356] France and England. 2. Mem. de l'Am. 89.

1687. Governor Coxe's narrative relating to the division line, directed to the council of proprietors of West Jersey. Sm. App. No. 4.

1687. The representation of the council of proprietors of West Jersey to Governor Burnet. Smith. App. No. 5.

The remonstrance and petition of the inhabitants of East New Jersey to the king. Sm. App. No. 8.

The memorial of the proprietors of East New Jersey to the Lords of trade. Sm. App. No. 9.

1688. Sept. 5. Agreement of the line of partition between East and West New Jersey. Smith's N. J. 196.

1691. Conveiance of the government of West Jersey and territories, by Dr. Coxe, to the West Jersey Society.

1691, Oct. 7. A charter granted by King William and Queen Mary to the inha- [357] bitants of the province of Massachusetts bay, in New England. 2 Mem. de l'Am. 593.

1696, Nov. 7. The frame of government of the province of Pennsylvania and the territories thereunto belonging, passed by Gov. Markham. Nov. 7, 1696.

1697, Sept. 20. The treaty of peace between France and England, made at Ryswick. 7 Corps. Dipl. part 2. p. 399. 2 Mem. Am. 89.

1699, July 5. The opinion and answer of the Lords of trade to the memorial of the proprietors of East N. Jersey. Sm. App. No. 10.

1700, Jan. 15. The memorial of the proprietors of East New Jersey to the Lords of trade. Sm. App. No. 11.

The petition of the proprietors of East and West New Jersey to the Lords justices of England. Sm. App. No. 12.

1700, W. 3. A confirmation of the boundary between the colonies of New- [358] York and Connecticut, by the crown.

1701, Aug. 12. The memorial of the proprietors of East and West New Jersey to the king. Sm. App. No. 14.

1701, Oct. 2. Representation of the Lords of trade to the Lords justices. Sm. App. No. 18.

1701. A treaty with the Indians.

1701-2, Jan. 6. Report of Lords of trade to king William, of draughts of a commission and instructions for a governor of N. Jersey. Sm. N. J. 262.

1702, Apr. 15. Surrender from the proprietors of E. and W. N. Jersey, of their pretended right of government to her majesty Queen Anne. Sm. N. J. 211.

1702, Apr. 17. The Queen's acceptance of the surrender of government of East and West Jersey. Sm. N. J. 219.

1702, Nov. 16. Instructions to Lord Cornbury. Sm. N. J. 230. [359]

1702, Dec. 5. A commission from Queen Anne to Lord Cornbury, to be captain general and governor in chief of New Jersey. Sm. N. J. 220.

1703, June 27. Recognition by the council of proprietors of the true boundary of the deeds of Sept. 10, and Oct. 10, 1677, (New Jersey.) Sm. N. J. 96.

1703. Indian deeds for the lands above the falls of the Delaware in West Jersey.

Indian deed for the lands at the head of Rankokus river, in West Jersey.

1704, June 18. A proclamation by Queen Anne, for settling and ascertaining the current rates of foreign coins in America. Sm. N. J. 281.

1705, May 3. Additional instructions to Lord Cornbury. Sm. N. S. 235.

1707, May 3. Additional instructions to Lord Cornbury. Sm. N. J. 258. [360]

1707, Nov. 20. Additional instructions to Lord Cornbury. Sm. N. J. 259.

1707. An answer by the council of proprietors for the western division of N. Jersey, to questions proposed to them by Lord Cornbury, Sm. N. J. 285.

1708-9, Feb. 28. Instructions to Colonel Vetch in his negotiations with the governors of America. Sm. N. J. 364.

1708-9, Feb. 28. Instructions to the governor of New Jersey and New York. Sm. J. 361.

1710, Aug. Earl of Dartmouth's letter to governor Hunter.

1711, Apr. 22. Premieres propositions de la France. 6. Lamberty, 669, 2 Mem. Am. 341.

1711, Oct. 8. Réponses de la France aux demandes préliminaries de la Grande Bretagne. 6 Lamb. 681. 2 Mem. Amer. 344.

Sept. 27. 1711, Oct. 8. Demandes préliminaries plus particulieres de la Grande-Bretagne, [361] avec les réponses. 2 Mem. de l'Am. 346.

Sept. 27. 1711, Oct. 8. L'acceptation de la part de la Grande-Bretagne. 2 Mem. Am. 356.

1711, Dec. 23. The Queen's instructions to the Bishop of Bristol and Earl of Stafford, her plenipotentiaries, to treat for a general peace. 6 Lamberty, 744. 2. Mem. Am. 358.

May 24. 1712, June 10. A memorial of Mr. St. John to the Marquis de Torci, with regard to North America, to commerce, and to the suspension of arms. 7. Recueil de Lamberty 161, 2 Mem. de l'Amer. 376.

1712, June 10. Réponse du roi de France au memoire de Londres. 7. Lamberty, p. 163. 2. Mem. Am. 380.

1712, Aug. 19. Traité pour une suspension d'armes entre Louis XIV. roi de France, and Anne, reigne de la Grande-Bretagne, fait à Paris. 8. Corps Diplom. part 1. p. 308. 2. Mem. d'Am. 104. [362]

1712, Sept. 10. Offers of France to England, demands of England, and the answers of France. 7. Rec. de Lamb. 461. 2 Mem. Am. 390.

Mar. 31. 1713, Apr. 11. Traité de paix et d'amitié entre Louis XIV. roi de France, et Anne, reine de la Grande-Bretagne, fait à Utrecht. 15 Corps Diplomatique de Dumont, 339. id. Latin. 2 Actes et memoires de la pais d'Utrecht, 457. id. Lat. Fr. 2. Mem. Am. 113.

Mar. 31. 1713, April 11. Traité de navigation et de commerce entre Louis XIV. roi de France, et Anne, reine de la Grande-Bretagne. Fait à Utrecht. 8 Corps Dipl. part 1. p. 345. 2 Mem. de l'Am. 137.

1726. A treaty with the Indians.

1728. Jan. The petition of the representatives of the province of New Jersey, to have a distinct governor. Sm. N. J. 421.

1732, G. 2. Deed of release by the government of Connecticut to that of New York. [363]

1732, June 9. 20. 5 Geo. 2. The charter granted by George II. for Georgia. 4. Mem. de l'Am. 617.

1733. Petition of Lord Fairfax, that a commission might issue for running and marking the dividing line between his district and the province of Virginia.

1733, Nov. 29. Order of the king in council for commissioners to survey and settle the said dividing line between the proprietary and royal territory.

1736, Aug. 5. Report of the Lords of trade relating to the separating the government of the province of New Jersey from New York. Sm. N. J. 423.

1737, Aug. 10. Survey and report of the commissioners appointed on the part of the crown to settle the line between the crown and Lord Fairfax.

1737, Aug. 11. Survey and report of the commissioners appointed on the part of Lord Fairfax to settle the [364] line between the crown and him.

1738, Dec. 21. Order of reference of the surveys between the crown and Lord Fairfax to the council for plantation affairs.

1744, June. Treaty with the Indians of the six nations at Lancaster.

1745, Apr. 6. Report of the council for plantation affairs, fixing the head springs of Rappahanoc and Potomac, and a commission to extend the line.

1745, Apr. 11. Order of the king in council confirming the said report of the council for plantation affairs.

1748, Apr. 30. Articles préliminaries pour parvenir à la paix, signés à Aix-la-Chapelle, entre les ministres de France, de la Grande-Bretagne, et des Provinces-Unies des Pays-Bas. 2 Mem. de l'Am. 159.

1748, May 21. Declaration des ministres de France, de la Grande-Bretagne, et des Provinces-Unies des Pays- [365] Bas, pour rectifier les articles I. et II. des préliminaries. 2. Mem. Am. 165.

1748, Oct. 7-18. 22. G. 2. The general and definitive treaty of peace concluded at Aix-la-Chapelle. Lon. Mag. 1748. 503. French 2. Mem. Am. 169.

1754. A treaty with the Indians.

1758, Aug. 7. A conference between governor Bernard and Indian nations at Burlington. Sm. N. J. 449.

1758, Oct. 8. A conference between governor Denny, governor Bernard, and others, and Indian nations at Easton. Sm. N. J. 455.

1759, July 25. 33. G. 2. The capitulation of Niagara.

175-. The king's proclamation promising lands to soldiers.

1763, Feb. 10. 3. G. 3. The definitive treaty concluded at Paris. Lon. Mag. 1763. 149.

1763, Oct. 7. G. 3. A proclamation for regulating the cessions made by the last treaty of peace. Guth. Geogr. Gram. 623. [366]

1763. The king's proclamation against settling on any lands on the waters westward of the Alleghany.

1768, Nov. 3. Deed from the six nations of Indians to William Trent, and others, for lands betwixt the Ohio and Monongahela. View of the title to Indiana. Phil. Steiner and Cist. 1776.

1768, Nov. 5. Deed from the six nations of Indians to the crown for certain lands and settling a boundary. M.S. [367]

CORRESPONDENCE AND MISCELLANEOUS WRITINGS.

1783–1784.

TO FRANCIS EPPES.[1]

PHILADELPHIA, Jan. 14, 1783.

DEAR SIR,—You will hardly expect to receive a letter from me at this place, and of so late a date. Yet I have apprehensions of being here ten days or a fortnight longer, for though ready myself, some time since, the vessel in which I go is not ready. Yesterday's post brought no mail from Virginia. I was not disappointed in this, as I was pretty certain that under expectation of my being gone you did not write. I had entertained some hope of meeting a letter from you on my first arrival here, but suppose the same idea of its not coming in time prevented it, so that at present I have no hope of hearing again, while on this side of the water, from yourself and family and those dear little ones I left with you. We have heard nothing since my last from which the length of my absence may be conjectured. The last authentic advices were of the 14th of October, but the affair of Gibraltar happened just then, and the negotiation was in such

[1] From Randall's *Life of Jefferson*, III, 586.

a state that what had passed between the negotiators was at that time under submission to the British court for their approbation or disavowal. How far this would be influenced by their good fortune at Gibraltar is the question which the next advices must certainly solve. Since I came here there has been sold the Westover copy of Catesby's History of Carolina. It was held near a twelvemonth at twelve guineas, and at last sold for ten. This seems to fix what should be given for Mr. Bollings's copy, if you can induce him to let me have it, which I am very anxious for. Perhaps it would be a temptation to offer that the ten guineas should be paid to Mr. Ross's agent at Nantes, where he could lay them out and send the articles to Mr. Bolling. His draft shall be paid on sight in Paris. Perhaps you had better effect this by making the proposition to Mrs. Bolling. Of this your knowledge of the family will enable you to judge. Be so good as to present me most affectionately to Mrs. Eppes, Mr. and Mrs. Skipwith, and the two families, and believe me to be, with very great sincerity, dear sir, Your friend and servant.

TO GENERAL WASHINGTON. J. MSS.

PHILADE. Jan. 22, 1783.

SIR,—Having lately recd. a call from Congress to pass the Atlantic in the character of one of their ministers for negotiating peace, I cannot leave the continent without separating myself for a moment from the general gratitude of my country to offer

my individual tribute to your Excy for all you have suffered & all you have effected for us. Were I to indulge myself in those warm effusions which this subject forever prompts, they would wear an appearance of adulation very foreign to my nature; for such is become the prostitution of language that sincerity has no longer distinct terms in which to express her own truths. Should you give me occasion, during the short mission on which I go, to render you any service beyond the water, I shall for a proof of my gratitude appeal from language to the zeal with which I shall embrace it. The negotiations to which I am joined may perhaps be protracted beyond our present expectation, in which case, tho' I know you must receive much better intelligence from the gentlemen whose residence there has brought them into a more intimate acquaintance with the characters & views of the European courts, yet I shall certainly presume to add my mite, should it only serve to convince you of the warmth of those sentiments of respect & esteem with which I have the honor to be your Excy's mo ob & mo hble servt.

TO JAMES MADISON.[1]

M. MSS.

BALTIMORE, Jan. 31, 1783.

DEAR SIR,—A gentleman returning from this place to Philadelphia gives me an opportunity of sending you a line. We reached Newport the evening of the day on which we left you. There we were misled by an assurance that a lower ferry could

[1] The parts in italic are written in cipher numbers in the original.

not be crossed. We therefore directed our course for the Bald friar's: & thence to another ferry 6 miles above. Between these two we lost two days, in the most execrable situation in point of accommodation & society which can be conceived. In short braving all weather & plunging thro' thick and thin we arrived here last night being the fifth from Philadelphia.—I saw Monsr. de Ville-Brun last night & augur him to be agreeable enough. I learnt (not from him but others) that to embark their sick &c. will keep us three days.—Having nothing particular to communicate I will give you an *anecdote* which possibly you may not have heard and which is related to me by *Major F* [ranks][1] who had it from *Doctor Franklin* himself. I use the only cypher I can now get at, using the marginal numbers in order & not as concerted. *Mr. Z*[2] *while at Paris had often pressed the Dr. to communicate to him his several negotiations with the Ct. of France, wch. the Dr. avoided as decently as he* could. *At length he received from Mr. Z a very intemperate letter. He folded it up and put it into a pigeon hole. A 2d 3d & so on to a fifth or sixth he recd. & disposed of in the same way. Finding no answer* could *be obtained by letter, Mr. Z paid him a personal visit & gave a loose to all the warmth of which he is susceptible.*

[1] This is "352.4" in cipher, which translates into "F." As Major Franks was Jefferson's secretary at this time, it leaves little doubt as to who is intended.

[2] "946.5" in cipher. It almost certainly alludes to Adams, though the editor of the Madison *Letters* (1, 62) infers that Arthur Lee is the person meant. *Cf.* with letter, *post*, of Feb. 14, 1783.

The Dr. replied, I can no more answer this conversation than the several impatient letters you have written me, (taking them down from the pigeon hole,) call on me when you are cool & good humored & I will justify myself to you. They never saw each other afterwards. As I find no A in the book erase the B in the first A B, so that 1.1 may denote A instead of A B.

I met here the enclosed paper which be so good as to return with my compliments to Miss Kitty. I apprehend she had not got a copy of it, and I retain it in my memory. Be pleased to present me very affectionately to the ladies & gentlemen whose pleasing society I lately had at Mrs. House's, and believe me, your assured friend.

TO JAMES MADISON.[1] M. MSS.

BALTIMORE, 7 February, 1783.

DEAR SIR,—I write by this post to the Minister of foreign affairs, but will repeat to you the facts mentioned to him & some others improper for a public letter, & some reflections on them which can only be hazarded to the ear of friendship. The cold weather having set in the evening of the 30th ult. (being the same in which I arrived here) the Chevalr. de Villebrun was obliged to fall down with his ship & the Guadeloupe to about twelve miles below this; & the ice has since cut off all correspondence with him till

[1] The portion in italic is in cipher in the original.

yesterday, when I got a boat and attempted a passage, there having passed a small boat before us, we got about half way with tolerable ease, but the influx of the tide then happening the ice closed on us on every side & became impenetrable to our little vessel, so that we could get neither backwards nor forwards. We were finally relieved from this situation by a sloop which forced it's way down & put us on board the Romulus, where we were obliged to remain all night. The Chevalr. de Ville-brun communicated to me several letters of intelligence which deserves weight; by which we are informed that the enemy, having no other employment at New York, have made our little fleet their sole object for some time, and have now cruizing for us nothing less than

1 ship of 64 guns.
4 50
2 40
$\frac{18}{25}$ frigates from 24 to 30 guns, a most amazing force for such an object. The merchants who intended to have sent their vessels out with us, have so far declined it, that two vessels only go with us, but they are unfortunately the greatest sluggards in the world. The Minister has given Ville-brun leave to remain if he thinks it expedient till the *m. of M-ch*, but politely and kindly offered the Guadeloupe for my passage if I chose to run the risk. I find that having laid ten months under water she got perfectly sobbed, insomuch that she sweats almost continually on the inside, in consequence of which her commander and several of the crew are now laid up with rheuma-

tisms. But this I should have disregarded had it not appeared that it was giving to the enemy the ship & crew of a friend, & delaying myself in fact by endeavoring at too much haste. I therefore have not made use of the liberty given me by the minister. Ville-brun seems certain he shall not sail on the *first of March*, and I confess to you I see no reason to suppose that when that time arrives the same causes will not place our departure as distant as it now seems. What then is to be done? I will mention the several propositions which occur with some reflections on each.

1. To go to Boston & embark thence. Would to God I had done this at first. I might now have been half-way across the ocean. But it seems very late to undertake a journey of such length, thro' such roads & such weather: & when I should get there some delay would still necessarily intervene,—yet I am ready to undertake it if this shall be thought best.

2. To stay here with patience till our enemies shall think proper to clear our coast. There is no certain termination to this object. It may not be till the end of the war.

3. To fall down to York or Hampton & there wait those favorable circumstances of winds & storms which the winter season sometimes presents. This would be speedier than the 2d but perhaps it may not be approved of by the commander for reasons which may be good tho' unknown to me. Should this however be adopted we ought to be furnished by the Marine department with, or authorised to employ one or more swift sailing boats to go out of the capes oc-

casionally & bring us intelligence to York or Hampton wherever we should be,

4. To ask a flag for me from the enemy & charter a vessel here. This would be both quickest & most certain, but perhaps it may be thought injurious to the dignity of the states, or perhaps be thought such a favour as Congress might not chuse to expose themselves to the refusal of. With respect to the last, nothing can be said : as to the first, I suppose were history sought, many precedents might be found where one of the belligerent powers has received from the other, passports for their Plenipotentiaries ; & I suppose that Fitzgerald & Oswald got to Paris now under protection of a flag & passport. However these are tender points & I would not wish the sensibility of Congress to be tried on my account, if it would be probably disagreeable.

5. To await a truce. This cannot take place till after preliminaries are signed, if then : & tho' these are not definitive, yet it must be evident that new instructions & new or perhaps inconsistent matter would be introduced with difficulty & discredit.

There is an idle report here of peace being actually concluded. This comes by the way of the W. Indies, and must probably be founded on the settlement of preliminaries, if it has any foundation at all.

Should you think that the interference of Congress might expedite my departure in any of the above ways or any other I have suggested these hasty reflections in hopes that you would do in it whatever you think right. I shall acquiesce in anything, & if nothing

further comes to me I shall endeavor to push the third proposition with the Commander, & if I fail in that shall pursue the 2d. I wish to hear from you as often as you have anything new. I fear I shall be here long enough to receive many letters from you. My situation is not an agreeable one, and the less so as I contrast it with the more pleasing one I left so unnecessarily. Be so good as to present my esteem to the good ladies & gentlemen of your fireside & to accept yourself the warmest assurances of friendship from Dr Sir, Your friend & servt.

Feb. 8. The preceding was written the last night. Before I close my letter I will ask the favor of you to write me by the return of post and to let me have your own sentiments (whether anything be, or be not determined authoritatively) which will have great weight with me. I confess that after another night's reflection the 4th is the plan which appears to me best on the whole, and that the demand from New York is nothing more than what is made at the close of almost every war, where the one or the other power must have a passport: it is no more than asking a flag to New York. Should this however be disapproved, the 3d seems the only remaining plan which promises any degree of expedition. Perhaps the minister may have a repugnance to venture the Romulus at York or Hampton, in which case if I could receive his approbation I should be willing to fall down there with the Guadeloupe alone & be in readiness to avail ourselves of a northwesterly snow storm or other favorable circumstance.

TO THE FRENCH MINISTER. J. MSS.

(CHEVALIER DE LA LUZERNE.)

BALTIMORE, Feb. 7, 1783.

SIR,—The Chevalier de Ville-Brun was so kind as to communicate to me yesterday your Excy's lre to him of Jan., together with the intelligence therein referred to. I feel myself bound to return you my thanks for your orders to the Guadeloupe frigate to receive me if I should think a passage should be hazarded under present circumstances. According to this information (which is the most worthy of credit of any we have received here) it would seem that our capture would be unavoidable were we to go out now. This therefore is a risk to which I cannot think of exposing his majesty's vessel & subjects, however I might be disposed to encounter personal hazards from my anxiety to execute with all the promptitude in my power a service which has been assigned to me. I shall therefore wait with patience the arrival of the moment when the Chevalr. de Ville-brun shall be of opinion that the one or the other of the vessels may venture out without any greater risk than he shall think proportioned to her proper object independantly of mine. It has been suggested to me this evening that perhaps their safe departure might be greatly forwarded by their falling down to York or Hampton, there to be ready at a moment's warning to avail themselves of those favorable circumstances which the present season sometimes offers. But of this yourself will be the proper judge. I cannot close my lre without expressing to

you my obligations to the Chevalr. de Ville-brun for the particular attention he has shown to my accommodation on board his ship. The apartments he has had constructed for me are ample & commodious & his politeness & merit as an officer are an agreeable presage of everything that shall depend on him. I have delivered to him the two large packets you were pleased to put into my hands, & he will dispose of them accordg. to your orders.

I have the honr to be with the highest sentiments of esteem yr Excy's mo obedt & mo hble servt.

TO THE SECRETARY FOR FOREIGN AFFAIRS. J. MSS.

(ROBERT R. LIVINGSTON.)

BALTIMORE, Feb. 7, 1783.

SIR,—I arrived here on the 30th of the last month, & had a short interview the same evening with the Chevalr. de Ville-Brun, commander of the Romulus. There appeared at that time little apprehension but that we might sail in a few days; but we were not very particular in our conference as we expected so soon to see each other again. The severity of the cold however which commenced that night obliged the Chevalr. de Ville-brun to fall 12 miles below this place & excluded all correspondence with him, till yesterday, when I found means to get through the ice on board his ship. He then communicated to me by direction of his Excy the minister of France intelligence as to the number & force of the cruisers now actually watching the capes of the Chesapeake.

I must acknolege that these appear such as to render a capture certain were we to hazard it. The minister was pleased at the same time to submit the Guadeloupe to my wishes if I chose to adventure. I take the liberty of troubling you with a copy of my letter to him on that subject. I should certainly be disposed to run very considerable risks myself to effect my passage; but I should think it an unfortunate introduction to an ally who has already done so much for us, were I to add to his losses & disbursements that of a valuable ship & crew. I wish that the present delay offered some period less distant than the lassitude of an avaricious enemy to watch for prey. Perhaps you may be able to put me in some more expeditious mode of passage than the one under which I am acquiescing at present. I shall be much pleased to adopt any such which may come recommended from you without regard to personal risk or trouble. In the meantime any intelligence which you can collect & will be pleased to give me as to the state of our coast will be of utility in determining whether & when we shall depart hence.[1]

[1] On Feb. 14th Livingston replied:

"I have delayed in answering your favor of the 7th. instant till I could obtain the sense of Congress on the matter it contains. I conceive it hardly possible, while the british cruisers retain their present station, for you to elude their vigilance in either of the Ships offered to your choice. This concurring with the late advices from England, has induced Congress to pass the enclosed resolution."

The resolution enclosed was:

"February 14, 1783.

"That the Secretary for Foreign Affairs inform Mr. Jefferson, that it is the pleasure of Congress, considering the advices lately received in America and the probable situation of affairs in Europe, that he do not proceed on his intended voyage until he shall receive their further instructions."

TO THE SECRETARY FOR FOREIGN AFFAIRS. J. MSS.
(ROBERT R. LIVINGSTON.)

BALTIMORE Feb 14, 1783.

SIR,—I apprised you in my former letter of the causes which had so long delayed my departure. These still continue. I have this moment received a printed copy of his Brit. Majty's speech to his Parliamt. by which we learn that preliminaries between America & Gr Br, among which is one for the acknowlegment of our independency, have been provisionally agreed to on his part. That the negotiations with the other powers at war were considerably advanced & that he hoped in a very short time they would end in terms of pacification. As considerable progress has been made in the negotiations for peace since the appointmt with which Congress were pleased to honour me, it may have become doubtful whether any communications I could make, or any assistance I could yield to the very able gentleman in whose hands the business already is, would compensate the expense of prosecuting my voyage to Europe. I therefore beg leave through you Sir to assure Congress that I desire this question to be as open to them now as it was on the day of my appointment, and that I have not a wish of my own either to go or to stay. They will be pleased to weigh the economy of the one measure against the chance which the other may offer of my arriving in such time as that any communications which have been confided to me may produce effect on definitive articles. I shall continue here for the prosecution of my voyage under the

orders before received, or for it's discontinuance should that be more eligible to Congress and be signified at any moment for my departure.[1]

TO JAMES MADISON.[2] MAD. MSS.

BALTIMORE, Feb. 14. 1783

DEAR SIR,—Yours of the 11th came to hand last night. *From what you mention in your letter I suppose the newspapers must be wrong when they say that Mr. Adams had taken up his abode with Dr F——. I am nearly at a loss to judge how he will act in the nego-n. He has F——, he has Jay, he has the French, he has the English, to whom will he adhere? His vanity is a lineament in his character which had entirely escaped me. His want of taste I had observed. Notwithstanding all this he has a sound head on substantial points, and I think he has integrity. I am glad therefore that he is of the commission & expect he will be useful in it. His dislike of all parties, and all men, by balancing his prejudices, may give them some fair*

[1] To this Livingston replied :

PHILADELPHIA, 18th February, 1783.

"SIR,—I was honoured yesterday with your favour of the 14th, which I shall lay before Congress this morning. As you have by this time received their resolution which I had the honour to send you by the last Post, and again enclose ; you will be relieved in some measure from your embarrasments, tho' not entirely from your suspense with respect to their final determination. But that cannot be long doubtful, since the negotiations have certainly arrived at such a crisis, as either to terminate soon in a peace, or a total rupture, in the latter case you will necessarily be obliged to proceed on your voyage, as Congress seems anxious to avail themselves of your abilities and information in the negotiations, unless they are fully assured that a speedy peace will preclude them from that advantage."

[2] The parts in italics are in cipher in the original.

play to his reason as would a general benevolence of temper. At any rate honesty may be extracted even from poisonous weeds.

My stay here has given me opportunities of making some experiments on my amanuensis F——s perhaps better than I may have in France. He appears to have a good eno' heart, and understanding somewhat better than common, but too little guard over his lips. I have marked him particularly in the company of women where he loses all power over himself, and becomes almost [lacking] *his temperature would not be proof against their allurements, were such to be employed as engines against him. This is in some measure the vice of his age, but it seems to be increased also by his peculiar constitution.*

I wrote to the Chevalier de Ville-Brun proposing his falling down to York or Hampton which was one of the measures I suggested in my letter to you, & was the most eligible except that of the flag, in my own opinion. His answer dated Feb 12. is in these words 'Je serois bien de l'avis proposé a votre Excellence d'aller mouiller a York ou Hampton pour etre a portee de profiter des premiers vents de Nord Ouest qui me mettroient loin de la côte dans la nuit, surtout si je n'avois pas de convoy a conserver, mais des batiments entrés anjourd'hui raportent avoir été chassés par quatre fregates pis que sur la Cap Charles et avoir vu au mouillage de Linhaven un vaisseau et un fregate qui ont appareillés et pris un Brig qui navigoit avec eux. De plus York et Hampton n' ont aps un canon monté, si l'ennemi tres superieur, entre-

prenoit de venir nous y forcer, il y auroit peu de sureté.

Peutetre conviendroit-il autant d'attendre, comme le propose M. de la Luzerne, jusqu'au mois prochain, des nouvelles de' Europe, ou l'arrivée d'une division des Antilles promise par M. de Vaudreuil, ou bien encore que l' ennemi fatigué ne fut obligé de rentrer a New York.' *The last is* 681.25, *and furnishes matter for doubt how far the departure of the Romulus is a decided measure. It seems not* 540. *ing* 895. *tion so for a purpose wherein time is the most pressing circumstance. The idea of getting in her is to be abandoned,* to go to *Boston* would be the most œconomical plan. But it would be *five weeks* from my leaving this place before I could expect to sail from thence. Of course I may from here be in *France* by the time I should be sailing from *Boston.*

Five weeks in a crisis of negotiation may be much. Should I accept of the *Guadaloupe,* and she should be lost, it would under present circumstances draw censure. Moreover in this or the former case, besides losing the vessel, what will be my situation? that of a prisoner certainly, from what has been done in Lauren's case they would not release me; in expectation of a high exchange; or if they did, it would only be on parole, in which case I could neither act nor communicate. This plan would have in it's favour œconomy and a possibility (a bare one) of despatch. That of the flag still appears best. It is favoured by the circumstances of despatch, safety, & the preservation of our papers. But when I think of

the expence I feel myself annihilated in comparison with it. A vessel may be got here, but I question if for less than 11.819. 36 or 843.10. 819.36 pounds. Besides can a passport be obtained from New York without naming the vessel, the crew, &c. If not it would take long to furnish these circumstances from hence. The Delaware would be more eligible in that case. Otherwise this place is. If this should be adopted, what would be the extent of the protection of the flag to the papers I should carry? These, so far as this question would affect them, would be of three descriptions. 1. My own commission, instructions, & other documents relative to my mission. 2. Public letters to the consuls, ministers & others on other business. 3. Private letters. I have no means of satisfying myself on these points here. If therefore this measure should be adopted I should thank you for your opinion on them, as you can, where you are doubtful, make enquiry of others. I am exceedingly fatigued with this place, as indeed I should with any other where I had neither occupation nor amusement. I am very particularly indebted here to the politeness & hospitality of Gen'l La Vallette who obliges me to take refuge in his quarters from the tedium of my own, the latter half of every day. You are indebted to him too as I should make my long letters much longer & plague you with more cypher were I confined at home all day. I beg you to be assured of my warmest wishes for your happiness.

Feb 15, 9 o'clock P.M. After sealing up this letter, I received yours of yesterday inclosing the king's

speech, for which I thank you much. The essential information conveyed to us by that is that the preliminary for our independance (which we before knew to have been agreed between the plenipos) has been provisionally ratified by him. I have thought it my duty to write the enclosed letter which after reading you will be so good as to stick a wafer in & deliver. I wish no supposed inclination of mine to stand in the way of a free change of measure, if Congress should think the public interest required it. The argument of œconomy is much strengthened by the impossibility (now certain) of going but in an express vessel. The principal matters confided to me were 1. The new instruction ; which perhaps may have been sent by Count Rochambeau, or may yet be sent. 2. The details of the financier's department which Mr. Morris not chusing to trust to paper had communicated verbally. These in the event of peace or truce may safely go in paper. 3. The topics which support our right to the fisheries, to the western country, & the navigation of the Mississippi. The first of these is probably settled. The two latter should only come into discussion in the Spanish negociation, and therefore would only have been the subject of private conversation with Mr. Jay, whose good sense & knowledge of the subject will hardly need any suggestions.

I forgot to mention to you in my letter that Mr. Nash arrived here the day before yesterday on his way to N. Carolina, and that Mr. Brunt is not yet arrived, but is weekly expected. I am yours affectionately.

TO FRANCIS EPPES.[1]

PHILADELPHIA, March 4, 1783.

DEAR SIR,—In my last, from Baltimore, I informed you that my voyage to Europe was at least suspended till further intelligence should be received. I returned to this place about four or five days ago, that I might be on the spot to act as shall be ultimately concluded by Congress. Though nothing since has come to us, we consider the event of peace as certain and speedy. The hearing nothing is a proof of this. The French minister, the British at New York, and Congress, are equally uninformed. This would not have been the case had the conferences for peace broken off, as has been pretended, or had they become languid. The packets and dispatch vessels are detained, doubtless, on a daily expectation of sending something more definitive than the signing of preliminaries. Capt. Barney is lying at L'Orient with the Washington, a dispatch vessel of Congress, ready to bring the advices from our plenipotentiaries. From these circumstances, you will judge that I expect every hour to receive permission to return home. I shall be here but a very few days after this shall be received, and expect to be myself the bearer of the first intelligence to you. There is nothing new here. I hope by the next post to receive a letter from you, though after near three months absence without having ever heard a word of my dear little ones, I shall receive your letter with fear and trembling, lest any accident

[1] From Randall's *Life of Jefferson*, III, 586.

should have happened. This dread, I hope, will be removed. Patsy is well. I hope Mrs. Eppes has recovered better health. If my prayers would be a medicine, she should have them with more fervor than they were ever offered for myself. Present my love to her and the little ones, and whenever you have an opportunity, be so good as to let Mr. and Mrs. Skipwith know that I remember them with affection. I am, dear sir, Your sincere friend.

TO THE SECRETARY FOR FOREIGN AFFAIRS. J. MSS.
(ROBERT R. LIVINGSTON.)

PHA Mar 13, 1783.

SIR,—Supposing the despatches received by the Washington may have enabled Congress to decide on the expediency of continuing or of countermanding my mission to Europe I take the liberty of expressing to you the satisfaction it will give me to receive their ultimate will so soon as other business will permit them to revert to this subject. I have &c.[1]

TO JOHN JAY. J. MSS.

PHILADELPHIA, Apr. 11, 1783.

DR. SIR,—In a lre wch I did myself the honr of writg you by the Chevalr de Chattellux I informed

[1] The following resolution was passed by Congress in response to this letter.
April 1st, 1783.

"*Resolved*, That the Secretary for Foreign Affairs inform the Hon. Thomas Jefferson, in answer to his letter of the 13th of March, that Congress consider the object of his appointment so far advanced as to render it unnecessary for him to pursue his voyage, and that Congress are well satisfied with the readiness he has shown in undertaking a service which from the present situation of affairs they apprehend can be dispensed with."

you of my being at this place with the intention of joining you in Paris. But the uncommon vigilance of the enemy's cruisers immediately after the departure of the Fr fleet deterrd every vessel from attemptg to go out. The arrival of the preliminaries soon after shewed the impropriety of my proceeding, and I am just now setting out on my return to Virga. I cannot however take my departure without paying to yourself & your worthy colleagues my homage for the good work you have completed for us, and congratulating you on the singular happiness of having borne so distinguished a part both in the earliest & latest transactions of this revolution. The terms obtained for us are indeed great, and are so deemed by your country, a few ill-designing debtors excepted. I am in hopes you will continue at some one of the European courts most agreeable to yourself that we may still have the benefit of your talents. I took the liberty in my letter of suggesting a wish that you would be so kind as to engage lodgings for me. Should you have given yourself this trouble I beg leave to return you my thanks and to ask the favor of you to communicate the amount of their hire to Mr. Rob Morris of this city who will immediately remit it to you as I lodge money in his hands for this purpose. Accept my warmest wishes for your happiness and be assured of the sincerity with which I have the honor to be Dr Sir your mo ob & mo hble servt.

P. S. I beg to be affly remembd to Dr. F. & Mr. A., if they be still with you.

TO JAMES MADISON.[1] J. MSS.

TUCKAHOE, May 7, 1783.

I received your favor of Apr. 22 and am not a little concerned at the alteration which took place in the Report on the impost &c. after I left you. The article which bound the whole together was I fear essential to get the whole passed; as that which proposed the conversion of state into federal debts was one palatable ingredient at least in the pill we were to swallow. This proposition being then hopeful, I never consulted you whether the paiment of our Western expenditures, annexed as a condition to our passing the articles recommended, would not be acceded to by Congress; more especially when one of those articles is the cession of that very territory for the acquisition & defense of which these expenditures have been incurred. If I recollect rightly Congress offered this in their first proposition for a cession. I beg your sentiments however on this subject by return of the first post. Notwithstanding the unpromising form of these articles I have waited a fortnight in the neighborhood of Richmond that I might see some of the members. I passed yesterday *in associating & conversing with as* many of them *as I could. The Attorney* has *cooperated* in this work. This is the view I form at present of *the leaders. Dr.* [Arthur] *Lee, R. H. Lee, Mr. Page, Taylor,* will be *against* them. So will *Thruston & White if elected,*

[1] This is copied from Jefferson's rough draft and the portions in italics are underlined in the original, evidently to indicate words that were to be put in cipher.

and even an *A. Campbell* is thought *worthy of being named* with these as having some *influence in the S. Western* quarter. In their *favour will be Tyler, Tazewell, Genl Nelson, W. Nelson, Nicholas* & a *Mr.* [Archibald] *Stewart* a *young man* of *good talents* from the *Westward. Henry* as usual is *involved in mystery:* should the *popular tide run strongly* in either *direction, he* will fall *in with it.* Should it not, he will have a struggle between his enmity to the Lees, & his enmity to everything which may give influence to Congress. *T.* [homson] *Mason* is a *meteor* whose *path cannot* be *calculated.* All the powers of *his mind* seem at present to be *concentrated* in one *single object,* the *producing* a *convention* to *new model* the [State] Constitution. This *is a subject* much *agitated,* and seems the *only one* they will have to *amuse themselves* with *till* they shall *receive* your *propositions. These should* be hastened; as I think the session will be short. I have seen Mr. Wythe. He has none of his amendments or notes on the Confederation,

Mr. Short has desired me to suggest *his name* as that of a *person willing* to become a *legatine secretary* should these *offices* be continued. *I have apprised him* of the possibility that they may not. You know *my high opinion of his abilities & merits;* I will therefore only add that a *peculiar talent* for *prying into facts* seems to mark *his character as proper for* such a *business. He* is *young,* & little *experienced in business,* tho well *prepared for it.* These defects will *lessen daily.* Should *persons* be *proposed less proper* on the whole, you *would* on motives of

public good, *knowing his willingness* to *serve, give* him a *nomination* & do justice to *his character.*

I rejoice at the information that 1832. 164. 928. 36. 323.[1] *& yourself concur* in *sentiments. I rejoice* as it will *render you happier* and give *to me a neighbor on whom I shall set high value. You* will be continued in *your* delegation till the end of three years from the completion of the Confederation. *You* will therefore *model your measures accordingly.* You say nothing of the time when you shall pay your visit to *Virginia.* I hope you will *let me know* of your *arrival* as soon as *it happens.* Should the *call* be made *on me,* which was sometimes the subject of *our conversation,* and be *so timed with your* visit *as that you may* be the *bearer of* it, *I shall* with great pleasure accommodate *my movements to yours* so as to *accompany you on your return to Philadelphia.*

I set out this morning for Monticello. My affectionate compliments to the ladies and gentlemen of the house, and sincere friendship to yourself. Adieu.

TO JAMES MADISON. MAD. MSS.

MONTICELLO, 1 June, 1783

DEAR SIR;—The receipt of your letter of May 6 remains unacknoleged. I am also told that Colo. Monroe has letters for me by post, tho' I have not yet received them. I hear but little from our assembly. Mr. Henry has declared in favour of the

[1] This I infer to be an allusion to Miss Floyd, whom Madison was then courting, but the allusion is so veiled, as to be undecipherable.

impost. This will ensure it. How he is as to the other questions of importance, I do not learn.

On opening my papers when I came home I found among them the enclosed cyphers which I had received from either Mr. Morris's or Mr. Livingston's office. Will you be so good as to return them for me? The confusion into which my papers had got going to & from Baltimore & left there for some time will I hope apologize for my having overlooked them when I returned the other papers. I send you inclosed the debates in Congress on the subjects of Independance, voting in Congress, & the Quotas of money to be required from the states. I found on looking that I had taken no others save only in one trifling case. As you were desirous of having a copy of the original of the declaration of Independance I have inserted it at full length distinguishing the alterations it underwent. * * *

PROPOSED CONSTITUTION FOR VIRGINIA.[1]

[June, 1783.]

To the citizens of the commonwealth of Virginia, and all others whom it may concern, the delegates for the said commonwealth in Convention assembled, send greeting :

[1] Jefferson's dislike of the Virginian Constitution of 1776 has already (11, 7) been alluded to. From its adoption he was always endeavoring to obtain a convention to frame a new one, and on his spending a day in Richmond at the opening of the spring session of the legislature, in 1783, he found such a convention a subject of discussion. He wrote Madison the day after this visit (May 7, 1783): "All the powers of his [Thomson Mason] mind seem at present concentrated in one single object, the producing of a Convention to new model the Constitution. This is a subject much agitated, and seems the only one they will have to amuse themselves with, till they shall receive your

It is known to you and to the world, that the government of Great Britain, with which the American States were not long since connected, assumed over them an authority unwarrantable and oppressive ; that they endeavored to enforce this authority by arms, and that the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, considering resistance, with all its train of horrors, as a lesser evil than abject submission, closed in the appeal to arms. It hath pleased the Sovereign Disposer of all human events to give to this appeal an issue favorable to the rights of the States ; to enable them to reject forever all dependence on a government which had shown itself so capable of abusing the trusts reposed in it ; and to obtain from that government a solemn and explicit acknowledgment that they are free, sovereign, and independent States. During the progress of that war, through which we had to labor for the establishment of our rights, the legislature of the commonwealth of Virginia found it necessary to make a temporary organization of government for preventing anarchy, and pointing our efforts to the two important objects of war against our invaders, and peace and happiness among ourselves. But this, like all other acts of legislation, being subject to change by subsequent legislatures, possessing

[Congress] propositions." Supposing from this informal talk, that such a convention would be ordered, Jefferson drafted this proposed constitution some time between May 7th and June 17th. On the latter date he wrote Madison : "A Convention for the Amendment of our Constitution having been much the subject of conversation for some time, I have turned my thoughts to the amendments necessary. The result I inclose you." No convention was, however, called. Jefferson in 1786 while in Paris printed this constitution in pamphlet form.

The title of this edition was :

Draught / of a / Fundamental Constitution / for the / Commonwealth of Virginia. (8vo, pp. 14.)

This Jefferson bound up with his *Notes on Virginia*, as an Appendix, prefaced by the following statement : "In the summer of the year 1783, it was expected that the assembly of Virginia would call a Convention for the establishment of a Constitution. The following draught of a fundamental Constitution for the Commonwealth of Virginia was then prepared, with a design of being proposed in such Convention had it taken place."—*Cf.* Madison's *Letters*, I, 80, 87.

equal powers with themselves; it has been thought expedient, that it should receive those amendments which time and trial have suggested, and be rendered permanent by a power superior to that of the ordinary legislature. The general assembly therefore of this State recommended it to the good people thereof, to choose delegates to meet in general convention, with powers to form a constitution of government for them, and to declare those fundamentals to which all our laws present and future shall be subordinate; and, in compliance with this recommendation, they have thought proper to make choice of us, and to vest us with powers for this purpose.

We, therefore, the delegates, chosen by the said good people of this State for the purpose aforesaid, and now assembled in general convention, do, in execution of the authority with which we are invested, establish the following constitution and fundamentals of government for the said State of Virginia:

The said State shall forever hereafter be governed as a commonwealth.

The powers of government shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy; to wit, those which are legislative to one, those which are judiciary to another, and those which are executive to another. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly permitted.

The legislature shall consist of two branches, the one to be called the House of Delegates, the other the Senate, and both together the General Assembly. The concurrence of both of these, expressed on three several readings, shall be necessary to the passage of a law.

Delegates for the general assembly shall be chosen on the last Monday of November in every year. But if an election cannot be concluded on that day, it may be adjourned from day to day till it can be concluded.

The number of delegates which each county may send shall be in proportion to the number of its qualified electors; and the whole number of delegates for the State shall be so proportioned

to the whole number of qualified electors in it, that they shall never exceed three hundred, nor be fewer than one hundred. Whenever such excess or deficiency shall take place, the House of Delegates so deficient or excessive shall, notwithstanding this, continue in being during its legal term; but they shall, during that term, re-adjust the proportion, so as to bring their number within the limits before mentioned at the ensuing election. If any county be reduced in its qualified electors below the number authorized to send one delegate, let it be annexed to some adjoining county.

For the election of senators, let the several counties be allotted by the senate, from time to time, into such and so many districts as they shall find best; and let each county at the time of electing its delegates, choose senatorial electors, qualified as themselves are, and four in number for each delegate their county is entitled to send, who shall convene, and conduct themselves, in such manner as the legislature shall direct, with the senatorial electors from the other counties of their district, and then choose, by ballot, one senator for every six delegates which their district is entitled to choose. Let the senatorial districts be divided into two classes, and let the members elected for one of them be dissolved at the first ensuing general election of delegates, the other at the next, and so on alternately forever.

All free male citizens, of full age, and sane mind, who for one year before shall have been resident in the county, or shall through the whole of that time have possessed therein real property of the value of ———; or shall for the same time have been enrolled in the militia, and no others, shall have a right to vote for delegates for the said county, and for senatorial electors for the district. They shall give their votes personally, and *viva voce*.

The general assembly shall meet at the place to which the last adjournment was, on the forty-second day after the day of election of delegates, and thenceforward at any other time or place on their own adjournment, till their office expires, which shall be on the day preceding that appointed for the meeting of the next general assembly. But if they shall at any time adjourn for more than one year, it shall be as if they had adjourned for one year precisely. Neither house, without the concurrence

of the other, shall adjourn for more than one week, nor to any other place than the one at which they are sitting. The governor shall also have power, with the advice of the council of State, to call them at any other time to the same place, or to a different one, if that shall have become, since the last adjournment, dangerous from an enemy, or from infection.

A majority of either house shall be a quorum, and shall be requisite for doing business; but any smaller proportion which from time to time shall be thought expedient by the respective houses, shall be sufficient to call for, and to punish, their non-attending members, and to adjourn themselves for any time not exceeding one week.

The members, during their attendance on the general assembly, and for so long a time before and after as shall be necessary for travelling to and from the same, shall be privileged from all personal restraint and assault, and shall have no other privilege whatsoever. They shall receive, during the same time, daily wages in gold or silver, equal to the value of two bushels of wheat. This value shall be deemed one dollar by the bushel itll the year 1790, in which and in every tenth year thereafter, the general court, at their first sessions in the year, shall cause a special jury, of the most respectable merchants and farmers to be summoned, to declare what shall have been the averaged value of wheat during the last ten years; which averaged value shall be the measure of wages for the ten subsequent years.

Of this general assembly, the treasurer, attorney general, register, ministers of the gospel, officers of the regular armies of this State, or of the United States, persons receiving salaries or emoluments from any power foreign to our confederacy, those who are not resident in the county for which they are chosen delegates, or districts for which they are chosen senators, those who are not qualified as electors, persons who shall have committed treason, felony, or such other crime as would subject them to infamous punishment, or who shall have been convicted by due course of law of bribery or corruption, in endeavoring to procure an election to the said assembly, shall be incapable of being members. All others, not herein elsewhere excluded, who may elect, shall be capable of being elected thereto.

Any member of the said assembly accepting any office of profit under this State, or the United States, or any of them, shall thereby vacate his seat, but shall be capable of being re-elected.

Vacancies occasioned by such disqualifications, by death, or otherwise, shall be supplied by the electors, on a writ from the speaker of the respective house.

The general assembly shall not have power to infringe this constitution; to abridge the civil rights of any person on account of his religious belief; to restrain him from professing and supporting that belief, or to compel him to contributions, other than those he shall have personally stipulated for the support of that or any other; to ordain death for any crime but treason or murder, or military offences; to pardon, or give a power of pardoning, persons duly convicted of treason or felony, but instead thereof they may substitute one or two new trials, and no more; to pass laws for punishing actions done before the existence of such laws; to pass any bill of attainder of treason or felony; to prescribe torture in any case whatever; nor to permit the introduction of any more slaves to reside in this State, or the continuance of slavery beyond the generation which shall be living on the thirty-first day of December, one thousand eight hundred; all persons born after that day being hereby declared free.

The general assembly shall have power to sever from this State all or any parts of its territory westward of the Ohio, or of the meridian of the mouth of the Great Kanhaway, and to cede to Congress one hundred square miles of territory in any other part of this State, so long as Congress shall hold their sessions therein, or in any territory adjacent thereto, which may be tendered to them by any other State.

They shall have power to appoint the speakers of their respective houses, treasurer, auditors, attorney general, register, all general officers of the military, their own clerks and serjeants, and no other officers, except where, in other parts of this constitution, such appointment is expressly given them.

The executive powers shall be exercised by a *Governor*, who shall be chosen by joint ballot of both houses of assembly, and when chosen shall remain in office five years, and be ineligible a

second time. During his term he shall hold no other office or emolument under this State, or any other State or power whatsoever. By executive powers, we mean no reference to those powers exercised under our former government by the crown as of its prerogative, nor that these shall be the standard of what may or may not be deemed the rightful powers of the governor. We give them those powers only, which are necessary to execute the laws (and administer the government), and which are not in their nature either legislative or judiciary. The application of this idea must be left to reason. We do however expressly deny him the prerogative powers of erecting courts, offices, boroughs, corporations, fairs, markets, ports, beacons, light-houses, and seamarks; of laying embargoes, of establishing precedence, of retaining within the State, or recalling to it any citizen thereof, and of making denizens, except so far as he may be authorized from time to time by the legislature to exercise any of those powers. The power of declaring war and concluding peace, of contracting alliances, of issuing letters of marque and reprisal, of raising and introducing armed forces, of building armed vessels, forts, or strongholds, of coining money or regulating its value, of regulating weights and measures, we leave to be exercised under the authority of the confederation; but in all cases respecting them which are out of the said confederation, they shall be exercised by the governor, under the regulation of such laws as the legislature may think it expedient to pass.

The whole military of the State, whether regular, or of militia, shall be subject to his directions; but he shall leave the execution of those directions to the general officers appointed by the legislature.

His salary shall be fixed by the legislature at the session of the assembly in which he shall be appointed, and before such appointment be made; or if it be not then fixed, it shall be the same which his next predecessor in office was entitled to. In either case he may demand it quarterly out of any money which shall be in the public treasury; and it shall not be in the power of the legislature to give him less or more, either during his continuance in office, or after he shall have gone out of it. The lands, houses, and other things appropriated to the use of the

governor, shall remain to his use during his continuance in office.

A *Council of State* shall be chosen by joint ballot of both houses of assembly, who shall hold their offices seven years, and be ineligible a second time, and who, while they shall be of the said council, shall hold no other office or emolument under this State, or any other state or power whatsoever. Their duty shall be to attend and advise the governor when called on by him, and their advice in any case shall be a sanction to him. They shall also have power, and it shall be their duty, to meet at their own will, and to give their advice, though not required by the governor, in cases where they shall think the public good calls for it. Their advice and proceedings shall be entered in books to be kept for that purpose, and shall be signed as approved or disapproved by the members present. These books shall be laid before either house of assembly when called for by them. The said council shall consist of eight members for the present ; but their numbers may be increased or reduced by the legislature, whenever they shall think it necessary ; provided such reduction be made only as the appointments become vacant by death, resignation, disqualification, or regular deprivation. A majority of their actual number, and not fewer, shall be a quorum. They shall be allowed for the present —— each by the year, payable quarterly out of any money which shall be in the public treasury. Their salary, however, may be increased or abated from time to time at the discretion of the legislature ; provided such increase or abatement shall not, by any ways or means, be made to affect either then, or at any future time, anyone of those then actually in office. At the end of each quarter their salary shall be divided into equal portions by the number of days on which, during that quarter, a council has been held, or required by the governor, or by their own adjournment, and one of those portions shall be withheld from each member for every of the said days which, without cause allowed good by the board, he failed to attend, or departed before adjournment without their leave. If no board should have been held during that quarter, there shall be no deduction.

They shall annually choose a *President*, who shall preside in

council in the absence of the governor, and who, in case of his office becoming vacant by death or otherwise, shall have authority to exercise all his functions, till a new appointment be made, as he shall also in any interval during which the governor shall declare himself unable to attend to the duties of his office.

The *Judiciary* powers shall be exercised by county courts and such other inferior courts as the legislature shall think proper to continue or to erect, by three superior courts, to wit, a Court of Admiralty, a general Court of Common Law, and a High Court of Chancery; and by one Supreme Court, to be called the Court of Appeals.

The judges of the high court of chancery, general court, and court of admiralty, shall be four in number each, to be appointed by joint ballot of both houses of assembly, and to hold their offices during good behavior. While they continue judges, they shall hold no other office or emolument, under this State, or any other State or power whatsoever, except that they may be delegated to Congress, receiving no additional allowance.

These judges, assembled together, shall constitute the Court of Appeals, whose business shall be to receive and determine appeals from the three superior courts, but to receive no original causes, except in the cases expressly permitted herein.

A majority of the members of either of these courts, and not fewer, shall be a quorum. But in the Court of Appeals nine members shall be necessary to do business. Any smaller numbers however may be authorized by the legislature to adjourn their respective courts.

They shall be allowed for the present —— each by the year, payable quarterly out of any money which shall be in the public treasury. Their salaries, however, may be increased or abated, from time to time, at the discretion of the legislature, provided such increase or abatement shall not by any ways or means, be made to affect, either then, or at any future time, any one of those then actually in office. At the end of each quarter their salary shall be divided into equal portions by the number of days on which, during that quarter, their respective courts sat or should have sat, and one of these portions shall be

withheld from each member for every of the said days which, without cause allowed good by his court, he failed to attend, or departed before adjournment without their leave. If no court should have been held during the quarter, there shall be no deduction.

There shall, moreover, be a *Court of Impeachments*, to consist of three members of the Council of State, one of each of the superior courts of Chancery, Common Law, and Admiralty, two members of the house of delegates and one of the Senate, to be chosen by the body respectively of which they are. Before this court any member of the three branches of government, that is to say, the governor, any member of the council, of the two houses of legislature, or of the superior courts, may be impeached by the governor, the council, or either of the said houses or courts, and by no other, for such misbehavior in office as would be sufficient to remove him therefrom ; and the only sentence they shall have authority to pass shall be that of deprivation and future incapacity of office. Seven members shall be requisite to make a court, and two-thirds of those present must concur in the sentence. The offences cognizable by this court shall be cognizable by no other, and they shall be triers of the fact as well as judges of the law.

The justices or judges of the inferior courts already erected, or hereafter to be erected, shall be appointed by the governor, on advice of the council of State, and shall hold their offices during good behavior, or the existence of their courts. For breach of the good behavior, they shall be tried according to the laws of the land, before the Court of Appeals, who shall be judges of the fact as well as of the law. The only sentence they shall have authority to pass shall be that of deprivation and future incapacity of office, and two-thirds of the members present must concur in this sentence.

All courts shall appoint their own clerks, who shall hold their offices during good behavior, or the existence of their court ; they shall also appoint all other attending officers to continue during their pleasure. Clerks appointed by the supreme or superior courts shall be removable by their respective courts. Those to be appointed by other courts shall have been previously examined,

and certified to be duly qualified, by some two members of the general court, and shall be removable for breach of the good behavior by the Court of Appeals only, who shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

The justices or judges of the inferior courts may be members of the legislature.

The judgment of no inferior court shall be final, in any civil case, of greater value than fifty bushels of wheat, as last rated in the general court for setting the allowance to the members of the general assembly, nor in any case of treason, felony, or other crime which should subject the party to infamous punishment.

In all causes depending before any court, other than those of impeachments, of appeals, and military courts, facts put in issue shall be tried by jury, and in all courts whatever witnesses shall give testimony *viva voce* in open court, wherever their attendance can be procured ; and all parties shall be allowed counsel and compulsory process for their witnesses.

Fines, amercements, and terms of imprisonment left indefinite by the law, other than for contempts, shall be fixed by the jury, triers of the offence.

The governor, two councillors of State, and a judge from each of the superior Courts of Chancery, Common Law, and Admiralty, shall be a council to revise all bills which shall have passed both houses of assembly, in which council the governor, when present, shall preside. Every bill, before it becomes a law, shall be represented to this council, who shall have a right to advise its rejection, returning the bill, with their advice and reasons in writing, to the house in which it originated, who shall proceed to reconsider the said bill. But if after such reconsideration, two-thirds of the house shall be of opinion that the bill should pass finally, they shall pass and send it, with the advice and written reasons of the said Council of Revision, to the other house, wherein if two-thirds also shall be of opinion it should pass finally, it shall thereupon become law ; otherwise it shall not.

If any bill, presented to the said council, be not, within one week (exclusive of the day of presenting it) returned by them,

with their advice of rejection and reasons, to the house wherein it originated, or to the clerk of the said house, in case of its adjournment over the expiration of the week, it shall be law from the expiration of the week, and shall then be demandable by the clerk of the House of Delegates, to be filed of record in his office.

The bills which they approve shall become law from the time of such approbation, and shall then be returned to, or demandable by, the clerk of the House of Delegates, to be filed of record in his office.

A bill rejected on advice of the Council of Revision may again be proposed, during the same session of assembly, with such alterations as will render it conformable to their advice.

The members of the said Council of Revision shall be appointed from time to time by the board or court of which they respectively are. Two of the executive and two of the judiciary members shall be requisite to do business; and to prevent the evils of non-attendance, the board and courts may at any time name all, or so many as they will, of their members, in the particular order in which they would choose the duty of attendance to devolve from preceding to subsequent members, the preceding failing to attend. They shall have additionally for their services in this council the same allowance as members of assembly have.

The confederation is made a part of this constitution, subject to such future alterations as shall be agreed to by the legislature of this State, and by all the other confederating States.

The delegates to Congress shall be five in number; any three of whom, and no fewer, may be a representation. They shall be appointed by joint ballot of both houses of assembly for any term not exceeding one year, subject to be recalled, within the term, by joint vote of both the said houses. They may at the same time be members of the legislative or judiciary departments, but not of the executive.

The benefits of the writ of Habeas Corpus shall be extended, by the legislature, to every person within this State, and without fee, and shall be so facilitated that no person may be detained in prison more than ten days after he shall have demanded and been

refused such writ by the judge appointed by law, or if none be appointed, then by any judge of a superior court, nor more than ten days after such writ shall have been served on the person detaining him, and no order given, on due examination, for his remandment or discharge.

The military shall be subordinate to the civil power.

Printing presses shall be subject to no other restraint than liableness to legal prosecution for false facts printed and published.

Any two of the three branches of government concurring in opinion, each by the voice of two-thirds of their whole existing number, that a convention is necessary for altering this constitution, or correcting breaches of it, they shall be authorized to issue writs to every county for the election of so many delegates as they are authorized to send to the general assembly, which elections shall be held, and writs returned, as the laws shall have provided in the case of elections of delegates of assembly, *mutatis mutandis*, and the said delegates shall meet at the usual place of holding assemblies, three months after date of such writs, and shall be acknowledged to have equal powers with this present convention. The said writs shall be signed by all the members approving the same.

To introduce this government, the following special and temporary provision is made.

This convention being authorized only to amend those laws which constituted the form of government, no general dissolution of the whole system of laws can be supposed to have taken place ; but all laws in force at the meeting of this convention, and not inconsistent with this constitution, remain in full force, subject to alterations by the ordinary legislature.

The present general assembly shall continue till the forty-second day after the last Monday of November in this present year. On the said last Monday of November in this present year, the several counties shall, by their electors qualified as provided by this constitution, elect delegates, which for the present shall be, in number, one for every ———— militia of the said county, according to the latest returns in possession of the governor, and shall also choose senatorial electors in proportion thereto, which

senatorial electors shall meet on the fourteenth day after the day of their election, at the court house of that county of their present district which would stand first in an alphabetical arrangement of their counties, and shall choose senators in the proportion fixed by this constitution. The elections and returns shall be conducted, in all circumstances not hereby particularly prescribed, by the same persons and under the same forms as prescribed by the present laws in elections of senators and delegates of assembly. The said senators and delegates shall constitute the first general assembly of the new government, and shall specially apply themselves to the procuring an exact return from every county of the number of its qualified electors, and to the settlement of the number of delegates to be elected for the ensuing general assembly.

The present governor shall continue in office to the end of the term for which he was elected.

All other officers of every kind shall continue in office as they would have done had their appointment been under this constitution, and new ones, where new are hereby called for, shall be appointed by the authority to which such appointment is referred. One of the present judges of the general court, he consenting thereto, shall by joint ballot of both houses of assembly, at their first meeting, be transferred to the High Court of Chancery.

TO JAMES MADISON. MAD. MSS.

MONTICELLO, June 17. 1783.

DEAR SIR,—Your favours of the 13th & 20th ult. came to hand about a week ago. I am informed the assembly determined against the capacity of re-election in those gentlemen of the delegation who could not serve a complete year. I do not know on what this decision could be founded. My hopes of the success of the Congressional propositions here have lessened exceedingly. Mr. Henry had declared in

favor of the impost : but when the question came on he was utterly silent. I understand it will certainly be lost if it be not already. Instead of ceding more lands to the U. S. a proposition is made to revoke the former cession. Mr. Henry is for bounding our state reasonably enough, but instead of ceding the parts lopped off he is for laying them off into small republics. What further his plan is I do not hear. However you get the parliamentary news so much more directly from Richmond, that it is idle for me to give it you from hence.

A convention for the amendment of our constitution having been much the topic of conversation for some time, I have turned my thoughts to the amendments necessary. The result I inclose to you. You will have opportunities during your stay in Philadelphia of enquiring into the success of some of the parts of it which tho' new to us have been tried in other states. I shall only except against your communicating it to any one of my own country, as I have found prejudices frequently produced against propositions handed to the world without explanation or support. I trust that you will either now or in some future situation turn your attention to this subject in time to give your aid when it shall be finally discussed. The paper inclosed may serve as a basis for your amendment, or may suggest amendments to a better groundwork. I further learn that the Assembly are excluding members of Congress from among them. Whether the information they may derive from their presence, or their being marked by

the confidence of the people, is the cause of this exclusion I cannot tell.

Be pleased to present me with affection to my acquaintances of the house, & to receive yourself the sincerest assurances of the esteem with which I am Dr Sir Your friend & servt.

P. S. I will take the first opportunity of forwarding the pamphlet to your father.

TO THE GOVERNOR OF VIRGINIA. V. S. A.
(BENJAMIN HARRISON.)

MONTICELLO. July 18—1783.

SIR,—I am sorry you have been at the trouble of sending an Express to me for information as to the transactions between the Executive and Nathan as I am satisfied I do not recollect a single fact that you are not already possessed of. In the winter of 1779–1780 Mr. Baker presented us some bills drawn by Genl Clarke, Colo Todd and perhaps others, which he said he had taken up at New Orleans or the Havanna and paid a hard dollar for every one named in the bills at that time. At that time I think we had been made to believe that depreciation had not reached Kaskaskia and the bills appearing fair, we considered them in the nature of many others taken up by Pollock, & wrote acceptances on the greatest part of them, undertaking to pay them in toto at $4\frac{1}{6}$ dollars the hundred. I believe we restricted some of them, perhaps as drawn by subordinate Officers, till we could write to Genl Clarke & Colo Todd. We wrote to them and desired a

description of the bills we were to pay fully & the rates of depreciation, if depreciation had affected any. They sent us a description of the hard money bills, to wit, all drawn on New Orleans, and a table of depreciation of the others. This shewed we had wrote acceptances for hard money on some bills thereon depreciation should have been allowed. We laid the case before Mr. Pendleton & Wythe intending if they thought us bound by our erroneous acceptances that we would pay them. They differed in opinion. We then informed Nathan of Clarke & Todd's marks to distinguish the bills, that this had proved we had accepted some in hard money on which depreciation should have been allowed, told him it was a case in which every man in the state was interested, that we did not wish to be judges in it ourselves, nor to refer it to any persons within the State, but we would refer it to lawyers in Philadelphia whither we knew he was going, and therefore that it would be convenient for him to have it decided there, as it would to us, our delegates being on the spot to act for us. He agreed to it. I wrote a state of the case, read it to him at the Council board, he agreed every article was right, we enclosed it to our delegates, and is the last part of the transaction which happened within my knowledge. Our delegates have told me since that he tergivisated a little there, disputed facts, declining the reference, but that he had finally come to, but of this they can give more certain information. In every part of the transaction with us he acted candidly enough as far as we could see, and we should certainly have thought

ourselves bound to pay the money agreeable to the award.

There was another transaction with him. Colo Gibson (I think it was) came for clothing for the troops at Fort Pitt. We were distressed how to procure them. Nathan offered to go with Gibson to Baltimore & buy them, & to wait a considerable time for the money. Perhaps he might name a year or some such term. We agreed, he went, bought them, & drew on us immediately for the money, which we did not like.

I am persuaded there is nothing above but which you know from more certain hands, for indeed my recollection is too faint to be trusted even as to what I have said. Some parts I recollect positively enough, others very faintly or perhaps steps in the place of memory. I should really be afraid to affirm them positively. If there be however any particular circumstances which you would wish to have sworn to, I will endeavor to recollect them with more certainty and send them to you. There is never a day scarcely but Mr Short, Colo Moore and I Buchanan can send me a letter & I can as spedily return an answer. Be pleased to present my compliments to Mrs. Randolph and believe me to be with much affection, Dr Sir Your friend & servt.

TO JAMES MADISON.

MAD. MSS.

MONTICELLO, Aug. 31. 1783.

DEAR SIR,—Your favor of July 17, which came to hand long ago remains still unacknowledged, as from the time of its receipt I had constant hopes that you

would be on the road for Virginia before an answer could reach you. That of the 11th inst. I received yesterday, and leaves the time of your visit as unfixed as ever, and excites some fear that I shall miss of you. I propose to set out for Congress about the middle of October, unless they should be returned to Philadelphia, in which case I shall take at home the week I meant otherwise to pass at Philadelphia on my way to Congress. I wish it would have been possible for your journey to have been so timed as that your return could have been when I go: for I still suppose you mean to pass the winter there as you told me at a time when it seemed to have no object but that of prosecuting your studies more at leisure. I sincerely lament the misadventure which has happened,[1] from whatever cause it may have happened. Should it be final however, the world still presents the same and many other resources of happiness, and you possess many within yourself. Firmness of mind & unintermitting occupation will not long leave you in pain. No event has been more contrary to my expectations, and these were founded on what I thought a good knowledge of the ground. But of all machines ours is the most complicated & inexplicable—Either here or in Philadelphia I must ask a perusal of your Congressional notes with leave to take notes from them, as they will better than any thing else possess me of the business I am to enter on. What is become of the mutineers? What of the secretaryship of foreign affairs? What of the

[1] The rejection of Madison by Miss Floyd, a daughter of William Floyd of New York.

commercial treaty with Gr. Britain? These and many other questions I hope for the pleasure of having answered by you at Monticello. Be so good as to present my compliments to Mrs. House and Mrs. Trist and to ask whether the pleasure of lodging in their house may be counted among the circumstances which will render Philadelphia agreeable to me in case of the return of Congress thither. Should Congress not return thither, would it be possible for you to engage me a tolerable berth wherever they are? A room to myself, if it be but a barrack, is indispensable. In either event of my being or not being in Philadelphia, I propose to place Patsy there; and will ask the favor of Mrs. Trist to think for me on that subject, and to advise me as to the person with whom she may be trusted. Some boarding school of course tho' I am not without objections to her passing more than the day in such a one.—The want of public occurrences worth detailing has filled my letter you find with private & unimportant subjects. I wish you every possible felicity, and am with sincere esteem Dr Sir, your friend & servt.

TO CHARLES CARTER.

EPPINGTON, Oct. 12. 1783.

DEAR SIR,—Finding that Mr. Eppes has made no purchase of horses for me, the bearer comes for those you were so kind as to offer me. Thinking it almost certain that they will suit me from what I hear of them, I send you inclosed an order on Mr. Donald for £60, which will be paid at sight: only be so good as to keep it up till Tuesday evening, because if,

contrary to my expectations, the horses should not suit, they shall be returned to you by that time. If you have a third horse matching them in all respects and of the same age, price & qualities I will take him also: for as I shall go on to the Northward with a pair of horses in my phaeton, it will be a great relief that the horse on which my servant shall ride may be changed with them occasionally.—One word more, my dear Sir, which is to express my uneasiness at your having supposed I imputed to you a motive in the change of price which never entered my head. I could not think you wanted to take advantage of any necessity of mine, because no such necessity existed. I shall not use the horses I purchase till the month of March, consequently I could not be under the spur of necessity till then, besides this I knew you too well to have thought it under any circumstances. I am with sentiments of sincere attachment & respect Dear Sir, Your most obedt. humble servt.

P.S.—If you send me a third horse I will send an order for paiment of the price either to yourself or Mr. Donald according as the first conveiance may offer to the one or the other.

TO THE GOVERNOR OF VIRGINIA.[1]

(BENJAMIN HARRISON.)

PHILADELPHIA, Nov. 11, 1783.

SIR,—Your Excellency's letter of the 25th ult. on the determination of Congress as to their future residence has been duly received. You would doubtless

[1] From the original in the possession of Mr. F. J. Dreer of Philadelphia.

soon after have heard of their subsequent determination on the same subject. As all this had taken place before my arrival I can give you an account only from the information of others. Congress, it seems, thought it best to generalize their first determination by putting questions on the several rivers on which it had been proposed that they should fix their residence. Hudson river, the Delaware, & Potomac, were accordingly offered to the vote. The first obtained scarcely any voices ; the Delaware obtained seven. This of course put the Potomac out of the way : and the Delaware being once determined on there was scarcely any difference of opinion as to the particular spot. The falls met the approbation of all the states present, except Pennsylvania which was for Germantown, & Delaware which was for Wilmington. As to the latter it appeared that she had been induced to vote for the Delaware on the single idea of getting Congress to Wilmington, and that being disappointed in this they would not wish them on that river at all, but would prefer Georgetown or any other place. This being discovered, the Southern delegates at a subsequent day brought on a reconsideration of the question, and obtained a determination that Congress should set one half of their time at Georgetown and that til accommodations should be provided there, Annapolis should be substituted in it's place. This was considered by some as a compromise ; by others as only unhinging the first determination and leaving the whole matter open for discussion at some future day. It was in fact a rally, and making a drawn battle of what had

at first appeared to be decided against us. What will be its final decision can only be conjectured. I take the following to be the disposition of the several states.

The four Eastern states are for any place in preference to Philadelphia, the more Northern it is however the more agreeable to them.

New York and New Hampshire are for the falls of Delaware.

Pennsylvania is for Germantown first, and next for the falls of Delaware. It is to be noted that Philadelphia had no attention as a permanent seat. Delaware is for Wilmington: but for Georgetown in preference to the falls of Delaware or any other situation which attract the trade of their river. Maryland is for Annapolis, and the smallest hope for this will sacrifice a certainty for Georgetown.

Virginia, every place southward of Potomac being disregarded by the states as every place north of the Delaware, saw it would be useless to consider her interests as to more Southern positions. The falls of Potomac will probably therefore unite the wishes of the whole state, if this fails, Annapolis and the falls of Delaware are then the candidates. Were the convenience of the Delegates alone to be considered, or the general convenience to government in their transaction of business with Congress, Annapolis would be preferred without hesitation. But those who respect commercial advantages more than the convenience of individuals will probably think that every position on the bay of Chesapeak or any of its

waters is to be dreaded by Virginia as it may attract the trade of that bay and make us with respect to Maryland what Delaware State is to Pennsylvania. Considering the residence of Congress therefore as it may influence trade, if we cannot obtain it on the Potomac it seems to be our interest to bring it past all the waters of the Chesapeak bay.

The three Southern states are for the most Southern situation. It should be noted that N. Hampshire and Georgia were absent on the decisions of these questions, but considering their interests would be directly opposite, it was thought their joint presence or absence would not change the result. From the preceding state of the views of the several members of our union your Excellency will be enabled to judge what will be the probable determination on any future revision of the present plan: the establishment of new states will be friendly or adverse to Georgetown according to their situation. If a state be first laid off on the lakes it will add a vote to the Northern scale, if on the Ohio it will add one to the Southern. I had the happiness of seeing Gen'l. Washington the other day after a space of seven years. He has more health in his countenance than I ever saw in it before. Among other political conversations he entered earnestly into one respecting the Western section of Virginia, and the late vote of Congress accepting it. He thinks the conditions annexed by Virginia and not acceded to by Congress altogether unimportant, at least much less important than the consequences which would result from the state's ad-

hering to these conditions. He thinks that a friendly and immediate settlement of this matter can alone give us that political happiness and quiet which we must all wish for: and that besides other disagreeable consequences the land will be lost to both as a source of revenue by their settlement of adventurers on it who will never pay any thing. It is now become evident that the nine states North of Potomac have made up their minds on these questions & will act together.

TO JAMES MONROE.[1] J. MSS.

PHILA. 18 Nov. 1783.

Mr. Mercer talks of setting out tomorrow. Mr. Madison & myself shall leave this place certainly on the 21st, so as to be in Annapolis on the 24th. The President does not set out till the 23d.—Dr. Lee did not engage the house for the delegation, not having been desired to do so, nor having ever informed them he had done so. I rather suppose it is for some particular set of gentlemen with whom he means to join.

TO MARTHA JEFFERSON.[2]

ANNAPOLIS, Nov. 28th, 1783.

DEAR PATSY,—After four days' journey, I arrived here without any accident, and in as good health as when I left Philadelphia. The conviction that you would be more improved in the situation I have

[1] This is merely an extract of a letter, on a sheet used by Jefferson later for another purpose.

[2] From S. N. Randolph's *Domestic Life of T. Jefferson*, p. 69.

placed you than if still with me, has solaced me on my parting with you, which my love for you has rendered a difficult thing. The acquirements which I hope you will make under the tutors I have provided for you will render you more worthy of my love ; and if they cannot increase it, they will prevent its diminution. Consider the good lady who has taken you under her roof, who has undertaken to see that you perform all your exercises, and to admonish you in all those wanderings from what is right or what is clever, to which your inexperience would expose you : consider her, I say, as your mother, as the only person to whom, since the loss with which Heaven has pleased to afflict you, you can now look up ; and that her displeasure or disapprobation, on any occasion, will be an immense misfortune, which should you be so unhappy as to incur by any unguarded act, think no concession too much to regain her goodwill. With respect to the distribution of your time, the following is what I should approve :

From 8 to 10, practice music.

From 10 to 1, dance one day and draw another.

From 1 to 2, draw on the day you dance, and write a letter next day.

From 3 to 4, read French.

From 4 to 5, exercise yourself in music.

From 5 till bed-time, read English, write, etc.

Communicate this plan to Mrs. Hopkinson, and if she approves of it, pursue it. As long as Mrs. Trist remains in Philadelphia, cultivate her affection. She has been a valuable friend to you, and her good

sense and good heart make her valued by all who know her, and by nobody on earth more than me. I expect you will write me by every post. Inform me what books you read, what tunes you learn, and inclose me your best copy of every lesson in drawing. Write also one letter a week either to your Aunt Eppes, your Aunt Skipwith, your Aunt Carr, or the little lady from whom I now enclose a letter, and always put the letter you so write under cover to me. Take care that you never spell a word wrong. Always before you write a word, consider how it is spelt, and, if you do not remember it, turn to a dictionary. It produces great praise to a lady to spell well. I have placed my happiness on seeing you good and accomplished; and no distress this world can now bring on me would equal that of your disappointing my hopes. If you love me, then strive to be good under every situation and to all living creatures, and to acquire those accomplishments which I have put in your power, and which will go far towards ensuring you the warmest love of your affectionate father.

P.S.—Keep my letters and read them at times, that you may always have present in your mind those things which will endear you to me.

TO JAMES MADISON. MAD. MSS.

ANNAPOLIS, Dec. 11. 1783.

DEAR SIR,—Your determination to avail yourself of the fine weather proved I fear a very unfortunate one. I pitied your probable situation in the tem-

pestuous season which immediately succeeded your departure. It is now above a fortnight since we should have met, and six states only appear. We have some hopes of Rhode Island coming in to-day, but when two more will be added seems as insusceptible of calculation as when the next earthquake will happen. We have at length received the Definitive treaty with a joint letter from all our Commissioners. Not a tittle is changed in the treaty but the preamble & some small things which were of course. The Commissioners write that the riot of Philadelphia & departure of Congress thence made the most serious impressions in Europe, and have excited great doubts of the stability of our confederacy, & in what we shall end. The accounts were greatly exaggerated, & it is suspected that Gr. Br. wished to sign no treaty.

You have seen G[eorge] M[ason] I hope, & had much conversation with him. What are his sentiments as to the amendment of our constitution? What amendment would he approve? Is he determined to sleep on, or will he rouse and be active? I wish to hear from you on this subject, & at all times on any others which occupy your thoughts. I see Bradford advertises Smith's history of N. York. As I mean to write for one for myself, and think I heard you say you had it not, I shall add one for you.—Our news from the good family we left is not agreeable. Mrs. Trist is much agitated by the doubts and difficulties which hang over her & impede her reunion with Mr. Trist. They are

without lodgers except those we left there, & the ladies we left there propose soon to depart. We hear some circumstances of rudeness in Mr. S. inconsistent with the inoffensiveness of character we had given him credit for. I wish you much happiness and am with the sincerest esteem Dr. Sir, your friend and servt.

P.S. I have taken the liberty of putting under cover to you a book for my nephew Peter Carr, who is at Mr. Maury's in your neighborhood.

REPORT OF COMMITTEE ON UNFINISHED BUSINESS.[1]

C.C.

[December, 1783.]

The committee appointed to revise the files of reports and appointment of Committees & to report what matters will require the attention of Congress previous to an adjournment have revised the files of reports, digested them under five heads and agreed to the following report thereon.

The first head comprehends important reports requiring the assent of 9 states. These relate to the ratification of the definitive treaty, the military arrangements in time of peace, the civil arrangements foreign and domestic, the territories on our western border, and the definition of the powers proper for a committee of the states, which several matters are thought essential for the consideration of Congress before their adjournment.

The second head comprehends reports which also require the assent of 9 states, they relate to matters of account, & particular claims for money which may probably be dispatched in those short intervals on portions of the day in which it may not be

[1] Endorsed: "No. 37. Report of Mr. Jefferson, Mr. Gerry, Mr. Williamson to revise the files and report the matters that will require the attention of Congress previous to an adjournmt." It was probably drawn up immediately after the meeting of Congress at Annapolis, Dec. 13, 1783.

convenient to discuss the first great subjects. Many of them however are such as ought not to detain Congress whenever they shall be ready for adjournment.

The third head comprehends reports which may be acted on by 7 states & which therefore may be taken up by Congress immediately.

The fourth comprehends those which should be postponed to another session, some of them being not at all pressing and others not yet matured for determination.

The fifth comprehends those reports which having been rendered useless by subsequent events may be postponed generally.

The committee having not had time yet to revise the appointment of Committees, and to arrange their objects under the same heads, beg leave to report again when they shall have made further progress.

REPORT ON DEFINITIVE TREATY.[1] C.C.

[December 16, 1783.]

The Committee to whom were referred the Definitive treaty of peace, between the United States of America and his Britannic Majesty, and the joint letter from mr. Adams mr Franklin and mr Jay have agreed to the following report.

Resolved that the said Definitive treaty be ratified by the United States in Congress assembled.

That a Proclamation should be immediately issued notifying the said definitive treaty & ratification to the several states of the Union, & requiring their observance thereof.

That Congress should immediately & earnestly recommend to the legislatures of the respective States, to provide for the restitution of all estates, rights & properties, which have been confiscated, belonging to real British subjects and also of the estates, rights & properties of persons resident in districts which were in the possession of his Britannic majesty's arms at any time between the 30th day of November 1782, and the 14th

[1] Endorsed "No. 5. Report of Mr. Jefferson etc. on defin. treaty, delivered 16 December 1783; read.—entd. passed January 14, 1784."

day of Jany [1] 1784, and who have not borne arms against the said United States and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, & therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights & properties as may have been confiscated; and that Congress should also immediately & earnestly recommend to the several States a reconsideration & revision of all acts or laws regarding the premises so as to render the said laws or acts perfectly consistent not only with justice & equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and that Congress should also immediately & earnestly recommend to the several states, that the estates, rights & properties of such last mentioned persons, should be restored to them, they refunding to any persons, who may be now in possession the bonâ fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

TO THE GOVERNOR OF VIRGINIA.[2]

(BENJAMIN HARRISON.)

ANNAPOLIS, Decemb. 17, 1783.

SIR,—I had the honor of writing to your Excellency on the 12th instant on the subject of the Definitive treaty. On the day following we made up a Congress of seven states, but nine being requisite to ratify the treaty, we have been unable to get this done, and of course till it be ratified Congress can make no communications on the subject to the states. I am sorry to say that I see no immediate prospect of making up nine states, so careless are either the

[1] "December" and "1783" are erased in the original.

[2] From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

states or their delegates to their particular interests as well as the general good which would require that they be all constantly and fully represented in Congress.

Several letters from our Foreign Ministers have been read in the course of the past week. A joint one accompanying the treaty informs us that they were proceeding in negotiations on the subject of commerce with Mr. Hartley the British Minister, giving and receiving propositions, when a vessel arrived in France from Philadelphia bringing intelligence that all our ports were thrown open to British vessels. Mr. Hartley on this informed them he could take no other steps till he should communicate this intelligence to his court and receive their instructions. He communicated it, and from that moment they were locked up in impenetrable reserve, and he unable to extort an answer of any kind from them. While expecting this answer, the ministers proceeded to exchange propositions for a definite pacification. Ours proposed a three years suspension of executions on judgments for British debts, and that no interest should be allowed from the commencement of the war till the definitive signing. That accounts should be taken of all wanton waste of property on both sides and confiscations, and the balance be paid in money by the party suffering least: that the St. Lawrence, the water boundary between us, & the Mississippi with the carrying places on whatever side should be common to both. But it was now become impossible to get an answer of any sort from the court of London: and when the regulations between the

other belligerent powers were matured for signing, Mr. Hartley received orders to sign the preliminary articles as definitive, which was done. Mr. Hartley, who wished to establish a liberal system of commerce with us, then went to London hoping to return shortly and renew the commercial discussions. But our ministers think it doubtful whether he will return at all. I take the liberty of enclosing you an extract from their letter expressing their sentiments on some subjects of importance, supposing it will be neither unpleasant nor unprofitable to know how we are viewed on the general scale of nations. I am sure it would be unnecessary even to hint to your Excellency that no part of this extract should be permitted to fall into the indiscreet hands of any printer. It seems possible that Great Britain may continue on the reserve till the present crisis in Europe shall have taken it's direction. The two Empires have formed an alliance defensive against all christian powers & offensive against the Turks. When announced by the Empress to the K. of Prussia he answered that he was very sensible upon this communication as one is on the communication of things of great importance. Thus avoiding a declaration and reserving himself at liberty to take any side or no side. The Court of France took it up in a higher tone, and expressed her astonishment at the objects of the alliance. She immediately began the work of putting her army on the war establishment. Yet it is said there is a division in their councils. The present minister cannot retire from his declarations which

are for opposing the dangerous accession of power to Austria and Prussia should they, as they propose, drive the Turks out of Europe & divide the territories they should abandon. The continuance or removal of the present minister is suggested as an index of ultimate determination of France. If he goes out, they mean to be pacific, & to be active if he is retained. Yet it is doubted whether France can venture into the war without the aid of Prussia. Great Britain it is suspected will lie dormant to avail herself of the distresses of her neighbor, happy for us that we have got into port just as the storm is rising. Propositions for treaties of commerce have come to Dr. Franklin from several European courts, and others are ready to treat. Denmark, Portugal, Sardinia, the Emperor of Morocco have made overtures. The last is so well disposed that he has issued orders to his armed vessels to molest no American, and has sent a person to Paris to attend any person delegated from us to his court. Great Britain will send no minister to America till she receives one from thence. The Emperor of Germany cannot from the action of his court. Our minister, Mr. Dana is on the return from Petersburg: nothing being done there, tho' probably their dispositions were become favorable at the time it was thought necessary by his recall to show we should no longer be suppliants anywhere. It is to be noted that the observation of our ministers in the enclosed extract 'that the present aspect of our affairs has somewhat abated the ardor of the

European nations to form connections with us' is posterior in time to the state given above. I recollect nothing important enough to be added to this sketch of our affairs in Europe & those of Europe itself.

The former method of correspondence by joint letters from the delegates to the Executive has been liable to some difficulties. The same object does not always make the same impression on different eyes. Of consequence it might happen that by pursuing the method of joint representation, much must be kept back because all had not formed the same idea of it. Being sensible that frequent and full communications are for the public good, we have agreed to adopt the following plan of official correspondency with your Excellency if it shall meet with your approbation. Resolutions of Congress and other solemn things which call for authentic notification we will communicate jointly. But all other matters which admit differences of opinion we propose shall be communicated weekly by some one gentleman of the delegation, having previously shown his letter to his colleagues. If they think he has omitted anything or represented it differently from their own view of it, they reserve a private and separate right of writing to your Excellency their separate sentiments. In this way we think you will receive fuller information: and that you may judge for yourself where you find a difference of opinion. The duty of correspondence is made mine for the present month, and will be taken up by my colleagues successively in the order of their examination, each exercising it a month.

RESOLUTIONS RELATING TO BRITISH TREATY.[1] c.c.

[Dec. 1783]

That the said ministers be instructed in their negociation with the [erased] court to urge with perseverance the necessity of a reasonable forbearance in the levy of debts due within these states to British subjects. The establishment of the idea of these states ~~that no interest during the war is due on these debts, &c~~ all demands for Interest accruing during the war would be highly inequitable & unjust. The expediency of settling this by precise stipulation, in order to avoid those mutual complaints & altercations which may disturb the harmony of the two nations.

That they require with firmness & decision full satisfaction for all slaves & other property belonging to citizens of these states taken and carried away in violation of the preliminary & definitive articles of peace: to enable them to do this on precise grounds Congress will furnish them with necessary facts & documents.

REPORT ON LETTERS FROM THE MINISTERS IN PARIS.[2]

[DECEMBER 20, 1783.]

The com^ee^ consisting of Mr Jefferson Mr Gerry and Mr Williamson to whom were referred the letters of the Ministers for the U S in Europe have agreed to the following report.

They find that instructions bearing date the 29 of Octr 1783 were sent to the Ministers plenipotentiary of the U S of America at the Court of Versailles empowered to negotiate a peace or to any one or more of them for concerting draughts or propositions for treaties of Amity and commerce with the commercial powers of

[1] These resolutions are written on the same sheet, but the first is cancelled. There is nothing to indicate when they were offered in Congress, but it was presumably during the preparation of the Report on Ministers' Letters immediately following this.

[2] The "joint letter from the ministers of the United States at Paris dated Paris the 10th of September, 1783, accompanied with the definitive treaty" were laid before Congress on Dec. 13th. On Dec. 16th it was referred to a committee. They reported this report on Dec. 20th. It is Endorsed "Report of Mr Jefferson Mr. Gerry Mr Williamson On the letters from the ministers of the

Europe but that their powers will not extend to the actual signature of any such treaty nor to negotiate with any state or power out of Europe.

They do not find that any commission consonant with these instructions has been issued to the said Ministers.

They are of opinion it will be advantageous to these United States to conclude such treaties with Russia the Court of Vienna Germany Prussia Denmark The Elector of Saxony Hamburg, Great Britain, Spain, Portugal, Genoa Tuscany, Rome, Naples Venice, Sardinia and the Ottoman porte ~~for its possessions in Europe and Asia and Africa.~~

That in the formation of these treaties the following points be carefully stipulated.

1. That each party shall have a right to carry their own produce, manufactures and merchandize in their own bottoms to the ports of the other and thence to take the produce & merchandize of the other paying in both cases (such duties only) as are paid by the most favoured nation, freely where it is freely granted to such nation on paying the compensation where such nation does the same.

2 That with the nations holding territorial possessions in America a direct & similar intercourse be admitted between the U. S. & such possessions or if this cannot be obtained then a direct & similar intercourse between the U S & certain free ports within such possessions, that if this neither can be obtained permission be stipulated taking from such possessions in their own bottoms the produce & merchandize thereof to those states directly and for these states to carry in their own bottoms their produce & merchandize to such possessions directly ~~or as by a possession to the inhabitants of such possessions to carry their produce & merchandize in their own bottoms to the free ports of other nations, and thence to take back directly the produce & merchandize of these states.~~

U. S. at Paris—Delivered Dec[r] 20. 1783.—Read & ent[d] 22.—Jany. 22. 1784—Recommitted.—Reported again March 4. 1784. Ent[d] Read.—Monday next assigned for consideration—No copies to be made out. Secret—Ent. Reported 14 April 1784—Order for Thursday." This report is the basis for the "Instructions," printed *post.*, under May 7, 1784.

3 That these U S being by their constitution consolidated into one federal republic they be considered in all such treaties & in every case arising under them as one nation upon the principles of the federal Constitution

4 That it be proposed, though not indispensably required that if war should hereafter arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain 9 months to collect their debts & settle their affairs & may depart freely ~~&~~ carrying off all their effects without molestation or hindrance & all fishermen, all cultivators of the earth & all artizans or manufacturers unarmed & inhabiting unfortified towns villages or places who labour for the common subsistance & benefit of mankind & peaceably following their respective employments shall be allowed to continue the same & shall not be molested by the armed force of the enemy in whose power by the events of war they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price & all merchants & traders exchanging the products of different places & thereby rendering the necessaries ~~&~~ conveniences & comforts of human life more easy to obtain & more general shall be allowed to pass free & unmolested and neither of the contracting powers shall grant or issue any commission to any private armed vessel empowering them to take or destroy such trading ships or interrupt such commerce

5 And in case either of the contracting parties shall happen to be engaged in war with any other nation it is farther agreed in order to prevent all the difficulties & misunderstandings that usually arise respecting the merchandize heretofore called contraband such as arms ammunition & military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other shall on any account be deemed contraband so as to induce confiscation & a loss of property to individuals. Nevertheless it shall be lawful to stop such ships & detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying, however a reasonable compensation for the loss such arrest shall occasion to the

proprietors. And it shall farther be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods then that it be stipulated that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it and the vessel shall not in that case be carried into any port but shall be allowed to proceed on her voyage.

6. That in the same case where either of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the subjects of that other power and shipped in the bottoms of the party hereto who is not engaged in the war shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament when the assailing power shall have taken such a station as to expose to eminent danger any ship or ships that would attempt to sail in or out of the said port. And that no vessel of the party who is not engaged in the said war shall be stopped without a material & well grounded cause: and in such cases justice shall be done, and an indemnification given without loss of time to the persons aggrieved & thus stopped without sufficient cause.

7. That no rights be stipulated for aliens to hold ~~real estate~~ property lands within these states, this being utterly inadmissible by their several laws & policy. But where on the death of any person holding real estate within the territory of one of the contracting parties such real estate would by their laws descend on a subject or citizen of the other were he not disqualified by alienage, there he shall be allowed a reasonable time ~~to qualify himself for holding it by the ——— his country & allegiance~~ to dispose of the same & withdraw the proceeds without molestation.

8. ~~And~~ That such treaties be made for a limited to the term of not exceeding 10 years from the exchange of ratifications—

9. That these instructions be considered as supplementary to those of Oct. 1783, and not as revoking except where they contradict them. ~~That our ministers be informed that such articles~~

~~as may be disagreeable to the other party & are indifferent to us in point of interest remain not that they should insist on indispensably~~: that where, in treaty with a particular nation; they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only & general principles of treaty with many nations, it is our expectation they will procure them, tho' not pointed out in these instructions, and where they may be able to form Treaties on ~~general~~ principles which in their judgment will be more beneficial to the United States, than those herein directed to be made their basis, they are ~~notwithstanding any thing precise or~~ permitted to adopt ~~such b against to~~ such principles.—That as to the duration of the treaties tho' we have proposed to restrain them to the term of 10. years yet they are at liberty to extend the same as far as 15 years with any nation which may pertinaciously insist thereon: and that it will be agreeable to us to have supplementary treaties with France, the United Netherlands & Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed: but that this be not pressed if the proposal should be found disagreeable.

That treaties of Amity or of Amity and commerce be entered into with Morocco and the Regencies of Algiers, Tunis & Tripoly ~~and other states on the Coast of Barbary~~ to continue for the same term of 10. years or for a term as much longer as can be procured.

That our Ministers to be commissioned for treating with foreign nations make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these states and his readiness to enter into alliance with them. That the occupations of the war & distance of our situation have prevented our meeting his friendship so early as we wished; but that powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed: and that as to the expences of his Minister they do therein what is for the honor & Interest of the United States ~~and conformable to the practice of other nations.~~

That a commission be issued to Mr Adams Mr Franklin and Mr Jefferson ~~Mr Jay~~ giving powers to them or the greater part of

them to make and receive propositions for such treaties of Amity and commerce and to negotiate and sign the same transmitting them to Congress for their final ratification and that such commissions be in force for a Term not exceeding two years.

That the said Ministers be instructed in their negotiations with the [*mutilated*] court to urge with perseverance the necessity of a reasonable forbearance in the levy of debts due within these states to British subjects, the establishment of the idea of these states that no interest during the war is due on these debts; all demands for Interest Accruing during the war would be highly inequitable & unjust; & on the expediency of settling this by precise stipulation, in order to avoid these mutual complaints & altercations which may disturb the harmony of the two nations.

That the said Ministers to be commiss[d] for Treaty with fr nations be referred to the Instructions of the thirtieth day of May 1783 relative to British Debts, the objects of which they are hereby directed to urge with perseverance.

That they require with firmness & decision full satisfaction for all slaves & other property belonging to citizens of these states taken and carried away in violation of the preliminary & definitive Articles of peace: & to enable them to do this on precise grounds Congress will furnish them with necessary facts & documents.

That the said ministers be instructed to notify to the powers with whom they may negotiate, the great value at which these states will esteem their friendship and connection and that it will be their constant endeavour to promote a good understanding and harmony with them and to prevent everything which might interrupt it by every means in their power, but that the heavy debt which they have contracted during the late war and the state of desolation and destitution in which many parts of these states were left in have has rendered it inconvenient at present for them to keep Ministers resident at the courts of Europe and they hope that this deviation from the practice of friendly nations may be ascribed to its true cause and not to any want of respect to their friends or of attachment to treaties, to the faithful observance of which they shall at all times pay the most earnest attention.

That consuls be appointed for the ports of
and consuls general established at

That Doct Franklin be desired to notify to the Apostolical Nuncio at Versailles that Congress will always be pleased to testify their respect to his Sovereign and state but that the subject of his application to Doct Franklin being purely spiritual it is without the jurisdiction and power of Congress, who have no authority to permit or refuse it, these powers being reserved to the several states individually.

That Doct Franklin be instructed to express to the Court of France the constant desire of Congress to meet their wishes; that these states are about to form a general system of commerce by treaties with other nations ~~& by interest negotiations~~; that at this time we cannot foresee what claims might be given to those nations by the explanatory propositions from the Count de Vergennes on the 2 & 3 Articles of our treaty of Amity & Commerce with his M le M; but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his Majesty.

That the papers containing the claim of the five Forsters, brothers, for the prize of their vessel "the three friends" made by Capt Landais of the Alliance frigate, which papers were communicated by the Count de Vergennes to Doct Franklin to the end he might apply to Congress for an indemnification of the said Forsters be remitted to the said Ministers with a copy of the fourth clause of the instructions to them of oct 29th 1783 and the following extract from doct Franklin's letter of July 22. 1783 to the Secretary for foreign Affairs viz: "Mr Barclay has in his hands the affair of the Alliance and Bon homme Richard. I will afford him all the assistance in my power, but it is a very perplexed business. That expedition though for particular reasons under American commissions & colours was carried on at the Kings expense and under his orders. M de Chaumont was the agent appointed by the Minister of the Marine to make the outfit. He was also chosen by all the captains of the squadron as appears by an instrument under their hands, to be their agent, receive, sell and divide prizes &c. The Crown bought two of them at public sale and the Money I understand is lodged in the hands of

a responsible person at L'Orient. M de Chaumont says he has given in his accounts to the Marine and that he has no more to do with the affair except to receive a ballance due to him. That account however is I believe unsettled and the absence of some of the captains is said to make another difficulty which retards the completion of the business. I never paid nor received any thing relating to that expedition nor had any other concern in it than barely ordering the Alliance to join the Squadron at M de Sartine's request."—from which extract there is reason to believe the United States of America had no concern in the expedition but that it was carried on wholly under the authority and for the advantage of his Most Christian Majesty ; that if this fact should not be so apparent as to give full satisfaction to his Majesty's Ministers, they then take such Measures as in their discretion shall be thought Most Conducive to an Amicable and equitable adjustment thereof on the best evidence they shall be able to procure.

That the claim of the Sr Bayard against these United States for the sum of 255,236 dollars continental Money is not founded in justice ~~in the opinion of your committee~~ from the circumstances of the case as stated by himself, which are that a vessel and cargo in which he was interested sailing in May 1779 from Charles town for France, was taken by an english armed vessel and retaken by an American frigate called the Boston, that she was carried to Boston and there sold as french property by Mr de Valnais consul for France at that port : that he unfaithfully and irregularly as is suggested endeavoured to have the whole adjudged to the recaptors but that the sentence was that they were only entitled to one eighth, and the Sr Bayard's correspondents obliged Mr de Valnais to deposit with the consul of France in Philadelphia 255.236 dollars continental Money in part of the proceeds with a reserve to the Sieur Bayard against Mr de Valnais of every right of redress for his irregular conduct : that no injurious intermeddling by the U. S. or any of them or by any of their citizens is here complained of ; that the Money was constantly in the hands of the Sieur Bayard's correspondents or of the consul for his nation ; that he may indeed have suffered by its depreciation as many others have suffered, both foreigners and citizens but the latter in ~~an infinite proportion to~~ a much ~~greater~~

higher Degree than the former; that this depreciation was not effected by any arbitrary change by Congress in the value or denomination of the Money (which yet has been frequently practised by european states who never have thought themselves bound to make good the losses thereby incurred either by their own citizens or by foreigners that ensued—against the will and the unremitting endeavours of Congress that in this case too it might have been lessened if not prevented by investing ~~it~~ the money immediately in gold & silver or in other commodities. Your com^ee^ therefore are of opinion that these states are not bound to make good the loss by depreciation, ~~and that the doing would bring on an infinitude of other cases with endless investigations and unfairness and would require greater funds than we are prepared with.~~

That as to the residue of the claims of the Sr Bayard if founded in truth and Right they lie only against the state of Georgia, to the governor whereof it will be proper for Congress to transmit copies of the papers expressing our confidence that that state will cause to be done in it what justice and the respect due between friendly nations require; and that the Sr Bayard be referred to them.

That the friendly services rendered by the Sr John Baptist Pequet, Agent for the french nation at Lisbon to great numbers of American sailors carried prisoners into that port during the late war and his sufferings on that account merit the sincere acknowledgments of Congress and that it be referred to the said Ministers to deliver him these in honorable terms and to make him such gratification as may indemnify his losses & properly reward his zeal.

REPORT ON CEREMONIAL FOR WASHINGTON.[1] c.c.

[December 22, 1783.]

1. The President and members are to be seated and covered, and the Secretary to be standing by the side of the President.

[1] A committee, consisting of Jefferson, Gerry, and M'Henry, was appointed by Congress to make suitable arrangements for the last public audience of General Washington. In conformity with their report it was resolved, on the 22d of December, that the ceremony should be conducted as above.

2. The arrival of the General is to be announced by the messenger to the Secretary, who is thereupon to introduce the General, attended by his aids, into the Hall of Congress.

3. The General, being conducted to a chair by the Secretary, is to be seated with an aid on each side standing, and the Secretary is to resume his place.

4. After a proper time for the arrangement of spectators, silence is to be ordered by the Secretary if necessary, and the President is to address the General in the following words. 'Sir ; The United States in Congress assembled are prepared to receive your communications.' Whereupon the General is to arise and address Congress ; after which he is to deliver his commission and a copy of his address to the President.

5. The General having resumed his place, the President is to deliver the answer of Congress, which the General is to receive standing.

6. The President having finished, the Secretary is to deliver the General a copy of the answer, and the General is then to take his leave. When the General rises to make his address, and also when he retires, he is to bow to Congress, which they are to return by uncovering without bowing.

TO THE GOVERNOR OF VIRGINIA.[1]

(BENJAMIN HARRISON.)

ANNAPOLIS, Dec. 24, 1783.

SIR,—The present week affords us nothing new for communication unless it be the affecting scene of yesterday. Gen'l Washington then had his last audience of Congress, laid down his connection and bid a final adieu to them and to all public life. His address on the occasion was worthy of him. This you will see in the public papers. I cannot help expressing my extreme anxiety at our present critical situation. The departure of a member two days

[1] From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

hence leaves us with only six states and of course stops all business. We have no certain prospect of nine within a given time; chance may bring them in, and chance may keep them back, in the meantime only a little over two months remain for their assembling, ratifying & getting the ratification across the Atlantic to Paris. All that can be said is that it is yet possible. It is well known that Great Britain wished to postpone the conclusion of the treaty. Her reasons we know not, but she certainly knew that a great continental war was kindling, and that France our principal support would be probably deeply engaged in it. It is not impossible then but she might hope for some favorable opportunity of changing the face of the treaty. If the ratifications are not there by the day she will have too much ground for objection to the validity of the treaty, and to ratify or not as she pleases. As every circumstance of distress will render her the easier on this point, we are pleased with the intelligence of the day which is that she has actually landed twenty-one regiments in Ireland, it comes by a ship from London to Baltimore, & from thence here, but Baltimore has not been famed for the truth of its intelligence.

REPORT ON RATIFICATION OF TREATY.[1] J. MSS.

[December 27, 1783.]

Resolved that however earnestly and anxiously Congress wish to proceed to the ratification of the Definitive treaty, yet

Resolved that Congress consisting at present of seven states

[1] There is no record in the *Journals of Congress* of the appointment of the committee who made this report. It was probably the same that later reported

only they ~~are~~ ought not to undertake that ratification ~~of the Definitive treaty~~ without proper explanations.

~~1. Because the 9th article of Confederation takes from~~

1. Because by the usage of modern nations it is now established ~~them the power, by declaring that Congress shall~~ that the ratification of a treaty by a Sovereign power is the ~~not enter into any treaty unless nine states assent~~ essential act which gives it validity ; the signature of the ~~to the same~~ ministers, notwithstanding their plenipotentiary commission, being understood as placing it, according to the phrase of the writers on this subject, subsparati only & as leaving to each sovereign an acknowledged right of rejection.

~~2. Because it would be a precedent replete with~~

2. Because ratification being an act of so much energy and ~~danger to these states, as under that on future~~ substance the authority to perform it is reserved to ~~occasions seven states in opposition to six may~~ nine States by those words in the ninth article of ~~ratify treaties entered into by ministers in~~ Confederation which declare that Congress shall not enter ~~direct opposition to their instructions though such instructions should have had the con-~~ into any treaty unless nine States assent ~~currence of nine states to the same?~~

3. Because by the terms 'entering into a treaty' the Confederation must have intended that the assent of nine states should be necessary to ~~the~~ it's completion as well as to ~~the~~ it's commencement ; ~~of a treaty ; it's~~ the object having been to guard the rights of the Union in all those important cases wherein it has required the assent of nine states ; ~~is required :~~ whereas by admitting the contrary construction, seven states containing less than one third of the citizens of the Union, in opposition to six containing more than two

the form of ratification, consisting of Jefferson, Gerry, Ellery, Read, and Hawkins. See Jefferson's *Autobiography* (1, 76–8). The report is printed from the rough draft in Jefferson's handwriting. No copy can be found in the files of the Continental Congress papers, nor is it printed in Wharton's *Revolutionary Diplomatic Correspondence*.

thirds, may fasten on them a treaty, commenced indeed under ~~the co-instru~~ commission & instructions from nine states but concluded ~~by the negotiators~~ in express contradiction to such instructions and in direct sacrifice of ~~their~~ interests of so great a majority.

4. Because if 7 states be incompetent generally to the ratification of a treaty they are not made competent in this particular instance by the circumstances of the ratification of the provisional articles by nine states ~~and in~~ the instructions to our ministers to form a definitive one by them and their actual agreement in substance; for either these circumstances are in themselves a ratification, or are not, if they are, nothing further is requisite than to give attested copies of them in exchange for the British ratification; if they are not, then we remain where we were, without a ratification ~~of~~ by 9 states, and incompetent to ratify ourselves. [The next line is illegible but erased.]

5. Because the seven states now present in Congress saw this question in the same point of view only 4 days ago when by their unanimous resolution they declared that the assent of nine states was requisite to ratify this treaty and urged this as a reason to hasten forward the absent states.

6. Because such a ratification would be rejected by the other contracting party as null & unauthorized, or, if attested to them by the seal of the states without apprising them that it has been ~~accredited~~ expedited by order of seven states only, it will be a breach of faith in us, a prostitution of our seal, & a future ground, when that circumstance shall become known, of denying the validity, of a ratification into which they shall have been so surprised.

7. Because there being still 67. days before the exchange of ratifications is requisite and states only wanting to render us competent, we have the ~~we may yet hope the presence of 9 states in time~~ strongest presumptions that the measures taken by Congress will bring them forward in time for ratification & for it's passage across the Atlantic.

And 8. because should we be disappointed in this hope, the ratification will yet be placed on more honorable and defensible ground if made by 9. states as soon as so many shall be present, and then sent for exchange, urging in it's support the small importance of an exchange of ratifications, a few days sooner or

later, the actual impossibility of an earlier compliance, and that failures produced by circumstances not under the controul of the parties ~~&~~ either in points so immaterial ~~can never effect the validity of a treaty~~ as to call for no compensation, or in those which are material and admit of compensation, can never affect the validity of the treaty itself.

TO THE GOVERNOR OF VIRGINIA. V. S. A.
(BENJAMIN HARRISON.)

ANNAPOLIS, Dec. 31, 1783.

SIR,—Letters from Holland from the middle to the last of September inform us that the citizens of the Dutch states are all in commotion. The conduct of the Prince of Orange having been such as greatly to strengthen the republican party, they are now pressing in the firmest tone a restoration of their constitutional rights. Friesland, as usual, leads the way. They have demanded of the sovereign assembly of the states that the power of the Stadtholder to change or reinforce the garrisons be limited or taken away, and that themselves be authorized to exercise in arms for the defence of their country: of 80000 men able to bear arms among them it is believed scarcely any will refuse to sign this demand. The Hollanders have referred to a Committee in their last assembly the examination of the power by which the prince undertakes to appoint flag officers of their fleet, and that he be desired to abstain from the exercise of it. There happens to be vacant the place of admiral. The other states seem to be in the same temper, and are now regularly exercising themselves in arms under the ensigns of their respective towns. Tho each state is to chuse their Stadtholder out of

the Orange family they consider themselves not bound to chuse the eldest, and of course that they may chuse different ones. The state of Europe at present seems favorable to the republican party, as the powers who might aid the prince are either fatigued with the late war, or likely to be engaged in the ensuing one.

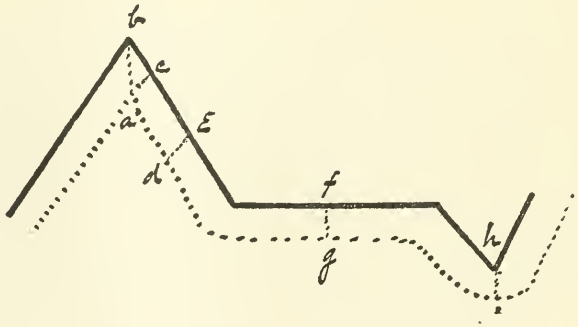
We have yet but seven states, and no more certain prospects of nine than at any time heretofore. We hope that the letters sent to the absent states will bring them forward.

TO JAMES MADISON. MAD. MSS.

ANNAPOLIS, Jan. 1, 1784.

DEAR SIR,—Your favour of the 10th Dec. came to hand about a fortnight after its date. It has occasioned me to reflect a little more attentively on Buffon's central heat than I did in the moment of our conversation and to form an opinion different from what I then expressed. The term 'central heat' does of itself give us a false idea of Buffon's hypothesis. If it means a heat lodged in the center of the earth and diffusing it's warmth from thence to the extremities, then certainly it would be less in proportion to the distance from that center, & of course less under the equator than the poles, on high mountains than in deep vallies. But Buffon's theory is that this earth was once in a state of hot fusion, and that it has been, and still continues to be cooling. What is the course of this process? a heated body being surrounded by a colder one whether solid or fluid, the

heat, which is itself a fluid flows into the colder body equally from every point of the hotter. Hence if a heated spheroid of iron cools to a given degree, in a given space of time, an inch deep from its surface, in one point, it has in the same time done the same in any & every other point. In a given time more, it will be cooled all round to double that depth. So that it will always be equally cooled at equal depths from the surface. This would be the case with Buffon's earth, if it were a smooth figure without unevennesses. But it has mountains and vallies. The tops of mountains will cool to greater depths in the same time than the sides of mountains & than plains in



proportion as the line a.b. is longer than a.c. or d.e. or f.g. In the valley the line h.i. or depth of the same temperature will be the same as on a plain. This however is very different from Buffon's opinion. He sais that the earth being thinnest at the poles will cool sooner there than under the equator, where it is thicker. If my idea of the process of cooling be right, his is wrong and his whole theory in the Epochs of Nature is overset.

The note which I delivered you contained an acknowledgment of my having borrowed from you a draught for 333⅓ dollars and a promise to repay it on demand. This was exclusive of what I had borrowed in Philadelphia.

We have never yet had more than 7. states, and very seldom that, as Maryland is scarcely ever present, and we are now without a hope of it's attending till February. Consequently having six states only, we do nothing. Expresses & letters are gone forth to hasten on the absent states that we may have 9. for a ratification of the definitive treaty. Jersey perhaps may come in, and if Beresford will not come to Congress, Congress must go to him to do this one act. Even now it is full late. The critical situation in which we are like to be gave birth to an idea that 7. might ratify. But it could not be supported. I will give you a further account of this when it shall be finally settled.

The letters of our ministers inform us that the two empires have formed a league defensive against Christian powers & offensive ag^t^ the Turks. When announced by the Empress to the K. of Prussia he answered that he was very sensible on it as one is when informed of important things. France answered in a higher tone and offered to mediate. If Prussia will join France perhaps it may prevent the war: if he does not, it will be bold for France alone to take the aid of the Turks on herself. Ireland is likely to find employment for England. The United Netherlands are in high fermentation. The people

now marshall themselves in arms and exercise regularly under the banners of their towns. Their object is to reduce the powers of the Stadtholder.

I have forwarded your letter to Mrs. House. Mrs. Trist I expect left Philadelphia about the 18th of Dec. for Pittsburgh. I had a letter from her in which she complained of your not having written and desired me to mention it to you. I made your excuse on the good grounds of the delays you must have experienced on your journey & your distance from the post road: but I am afraid she was gone before my letter reached Philadelphia. I have had very ill health since I have been here and am getting rather lower than otherwise.

MOTION ON RATIFICATION OF TREATY.[1] C. C.

[Jan. 2, 1784.]

FAIR COPY.

Whereas it is stipulated in the definitive treaty of peace between the United States of America and his Britannic Majesty that the ratifications of sd treaty shall be exchanged on or before the 3d day of March next and there now remains be-

ROUGH DRAFT.

Whereas it is stipulated in the definitive treaty of peace between the United States and his Britannic Majesty that the ratifications of the sd treaty shall be exchanged on or before the 3d. day of March next and there now remains before that

[1] The rough draft is endorsed: "No. 9. Motion of Mr. Jefferson Jany. 2—1784. Referred to Mr. Jefferson, Mr. Williamson, Mr. Read, Mr. Gerry, Mr. Howell, for ratification of def. treaty. Jany 14. 1784, rendered useless by the ratification this day by 9 states. To be filed." See Jefferson's *Autobiography* (1, 698). The fair copy is endorsed "Report of Mr. Jefferson relative to ratification of Defn. treaty read Jan. 3, 1784."

fore that period little more time than is requisite for the passage of the said ratification across the Atlantic; and Congress consisting at present but of 7 states these differ in opinion, some of them considering 9, as requisite under the Confederation to the establishment of every treaty, while others are of opinion that 9, having ratified the Provisional treaty and instructed their ministers to enter into a definitive one conformable thereto, which is accordingly done, seven may under these particular circumstances ratify what has been so declared by 9 to have their approbation; and those of the former opinion being equally desirous with the latter that no power which may be supposed they possess should remain unexercised for the final ratification of this instrument, provided it may be done with the preservation of good faith towards the other contracting party, and without importing that Congress has given any express opinion that the sd ratification is ~~be or be not~~ authorized by the Confederation.

period little more time than is requisite for the passage of the sd ratification across the Atlantic; and Congress consisting at present but of 7. states, these differ in opinion, some of them considering 9. ~~states~~ as requisite under the Confederation to the establishment of every treaty while others are of opinion that ~~the provisional treaty~~ nine ~~states~~ having ratified the Provisional treaty, and ~~having~~ instructed their Ministers to enter into a definitive one conformable thereto which is accordingly done, seven states may under these particular circumstances ratify what has been so declared by nine ~~states~~ to have their approbation; and those of the former opinion being equally desirous with the latter that no power which it may be supposed they possess should remain unexercised for the final ratification of this instrument ~~establishment of peace~~ provided it may be done with ~~good faith~~ the preservation of good faith towards the other contracting party and without being supposed to convey~~ing~~ any opinion of Congress that such ratification is authoritative, which supposition would be contrary to truth:

Resolved therefore that the states now present in Congress do declare their approbation and so far as they have power, their ratification of the sd treaty, that the (same) Ratification in the usual Form be duly attested under the seal of the States and transmitted to our ministers with instructions to keep the same uncommunicated & to propose to the other contracting party a convention extending the time for the exchange of ratifications 3 months further: that the sd ministers be informed that so soon as 9 states shall be present in Congress the said treaty shall be submitted to them & their ratification when obtained shall be transmitted also: that if they should receive the ratification by 9 states before the ultimate point of time allowed for exchange this alone be used & the former cancelled: that if it should not be received in time, they then produce the act of the 7 states, & give the same in Exchange, *informing the other contracting party, that the sd treaty came to hand when Congress was not in session* that 7 states only had not assembled, that this ratification has been expedited with their unanimous consent and offering it in ex-

Resolved therefore that the states now present in Congress do declare their approbation ~~of~~ and ratification of the sd treaty; that the same be duly attested under the seal of the states; and transmitted to our Ministers ~~with instructions to make use of it till the last point of time:~~ that ~~in the meantime~~ so soon as nine states shall be present in Congress, the said treaty shall be submitted to them and their ~~further~~ ratification & when obtained ~~this~~ shall be transmitted to our Ministers also in hope of its reaching ~~our Ministers~~ them by the stipulated time in which case this shall be used and the former cancelled; that however they do not receive the ratification by nine states before the time for exchange & then ~~tender~~ produce the act of the seven states, ~~at the same time expressing the doubts which Congress otherwise con are entertained of it's validity,~~ offering it to their acceptance of the other party in exchange for theirs with assurance that it ~~may and opposing that that shall be acepted and~~ shall will be followed by ~~ratifications~~ another expedited by nine states ~~to be~~ which shall be delivered to them also; ~~otherwise on that they agree on a further~~

change for theirs, ~~with an assurance that it will be followed by another expedited in all it's forms by nine states so soon as they shall be assembled, which shall be delivered to them also. day for the exchange of ratifications at their option~~ and at the same time explaining (if they find it necessary for the preservation of our good faith) the differences of opinion which exist as to the compliance of seven states to this act: or if it be more eligible to the other party that then they agree on a further day for the exchange of ratifications.

RESOLUTION ON DEFINITIVE TREATY.[1] c. c.

[Jan. 14?, 1784]

Resolved that the sd ratification be ~~immediately expedited~~ in ~~good and & due form under the seal~~ the following form to wit [here insert the ratification] and be transmitted to our ministers plenipotentiary by whom the said treaty was negotiated and signed.

RATIFICATION OF DEFINITIVE TREATY.[2] c. c.

[JANUARY 14, 1784]

The United States in Congress assembled to all persons to whom these presents shall come greeting:

Whereas definitive articles of peace and friendship between the United States of America and his Britannic majesty were concluded and signed at Paris on the third day of September 1783, by the ~~Commissioners~~ Plenipotentiaries of the said United States and of his said Britannic majesty duly and respectively author-

[1] This resolution, though offered in Congress, does not appear in its *Journals*. It was probably in lieu of that adopted Jan. 14, 1784, which was reported by a committee, of which Jefferson was chairman.

[2] The draft, in Jefferson's handwriting, was reported to Congress by a committee consisting of Jefferson, Gerry, Ellery, Read, and Hawkins, some time in December, but was not acted upon by Congress till the treaty was ratified Jan. 14, 1784. See *Journals of Congress* of that date.

ized for that purpose, which definitive articles are in these words following [here insert them]

Now know ye that we the United States in Congress assembled having seen and considered the definitive articles, aforesaid, have approved, ratified and confirmed and by these presents do approve ratify and confirm the said articles, and every part & clause thereof engaging and promising that we will sincerely & faithfully perform & observe the same and never suffer them to be violated by any one, or transgressed in any manner, as far as lies in our power.

In testimony whereof we have caused the seal of the United States to be hereunto affixed.

Witness his Excellency Thomas Mifflin President this ~~—— day of December, in the year of our Lord 1783 and of the sovereignty in the eighth year and independence of the United States the eighth~~ fourteenth day of Jany in the year of our Lord one thousand seven hundred and eighty four and in the eighth year of the sovereignty & independence of the United States of America.

DRAFT FOR PROCLAMATION ANNOUNCING RATIFICATION OF DEFINITIVE TREATY.[1] C. C.

January 14, 1784.

By the United States ~~of America~~ in Congress Assembled

A Proclamation.

Whereas Definitive articles of peace and friendship between ~~these~~ the United States ~~of America~~ of America and his Britannic majesty were concluded & signed at Paris on the third day of September 1783, by the ~~Commissioners~~ Plenipotentiaries of the said United States and of his said Britannic majesty duly and respectively authorized for that purpose which definitive articles are in the words following [here insert them].

And we the United States in Congress assembled having seen and duly considered the definitive articles aforesaid did by a certain act under the seal of the United States bearing date this 14 day of ~~December~~ Jany 1784, approve ratify & confirm the

[1] See *Journals of Congress*, Jan. 14, 1784. This proclamation was issued as a broadside with the headlines:

By the United States in / Congress assembled / January 14, 1784. / 4to.

Cf. Ford's *Bibliography of the Continental Congress*, No. 346.

same & every part & clause thereof engaging & promising that we would sincerely & faithfully perform & observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as should lie in our power.

And being sincerely disposed to carry the said articles into execution ~~honestly~~, truly honestly and with good faith according to the intent & meaning thereof we have thought proper by these presents to notify the premises to all the good citizens of these States, hereby ~~requesting~~ requiring and enjoining ~~all persons and~~ all bodies of magistracy Legislative Executive and Judiciary all persons bearing office civil or military of whatever rank, degree, or powers and all others the good citizens of these States of ~~whatever~~ every vocation and condition that reverencing those stipulations entered into on ~~& condition in obedience to these delegations~~ their behalf under the authority of that federal ~~moral political & legal whereby they are called~~ bond by which their existence as an independant ~~to the observance of stipulations duly & regularly~~ people is bound up together, and is known and ~~derived from their several laws & constitutions~~ acknowledged by the nations of the world; and ~~and with that good faith which is every honest~~ with that good faith which is every ~~man's best comfort that within their~~ man's surest guide, within their several offices, jurisdictions & vocations, they carry into effect the said Definitive articles, & every clause & sentence thereof sincerely strictly & completely.

Given under the seal of the United States. Witness his Excellency Thomas Mifflin, our President at Annapolis this 14th day of ~~Dec.~~ Jany 1784 & of the sovereignty & independance of the United States of America the eighth.

TO MARTHA JEFFERSON.[1]

ANNAPOLIS, Jan. 15th, 1783.

MY DEAR MARTHA,—I am anxious to know what books you read, what tunes you play, and to receive

[1] From S. N. Randolph's *Domestic Life of T. Jefferson*, 71, where it is printed with the above date. But either Jefferson misdated it, or it was wrongly inserted, for Jefferson being in Annapolis and his daughter being in Philadelphia makes it certain that the letter was written in 1784.

specimens of your drawing. With respect to your meeting M. Simitière[1] at Mr. Rittenhouse's, nothing could give me more pleasure than your being much with that worthy family, wherein you will see the best examples of rational life, and learn to esteem and copy them. But I should be very tender of intruding you on the family; as it might, perhaps, be not always convenient for you to be there at your hours of attending M. Simitière. I can only say, then, that if it has been desired by Mr. and Mrs. Rittenhouse, in such a matter as that Mrs. Hopkinson shall be satisfied that they will not think it inconvenient, I would have you thankfully accept it; and conduct yourself with so much attention to the family as that they may never feel themselves incommoded by it. I hope Mrs. Hopkinson will be as good as to act for you in this matter with that delicacy and prudence of which she is so capable. I have much at heart your learning to draw, and should be uneasy at your losing this opportunity, which probably is your last.

TO THE GOVERNOR OF VIRGINIA. V. S. A.
(BENJAMIN HARRISON.)

ANNAPOLIS Jan. 16 1784

SIR,—The Southern post, which had not come in for three weeks past, surprised us by his arrival to day. Being to return in half an hour I could only, after perusal of my letters, hastily inclose to your Excellency a copy of the proclamation an-

[1] An artist.

nouncing the ratification of the peace, which we were enabled to expedite on the 14th inst. that being the first day on which nine states have attended during the present Congress. This irregularity in the post will account for your having received no letter from Mr. Hardy, the corresponding member for the month. An indisposition at present puts it out of his power to write, in which case, according to our arrangement, the duty devolves on the next member in the nomination. The right of individual correspondence however still remaining to us I take the liberty of communicating the occurrences of the time :

The important subjects now before Congress are :

1. authorizing our Foreign ministers to enter into treaties of alliance & commerce with the several nations who have desired it.

2. arranging the Domestic administration.

3. establishing Arsenals within the states, & posts on our Frontier.

4. Disposing of the Western territory.

5. treaties of peace and purchase with the Indians.

6. Money.

Your Excellency will perceive that these are questions of such difficulty as must produce differences of opinion, and of such importance as forbid a sacrifice of judgment to one another. We have but nine states present, seven of which are represented by only two members each. There are 14 gentlemen then, any one of which differing from the rest, stops our proceeding, for all these questions require the con-

currence of nine states. We shall proceed in a day or two to take them up, and it is my expectation that after having tried several of them successively and finding it impossible to obtain a single determination, Congress will find it necessary to adjourn till the spring, first informing the states that they adjourn because from the inattendance of members their business cannot be done, recommending to them to instruct & *enable* their members to come on at the day appointed, and that they constantly keep three at least with Congress while it shall be sitting. I believe if we had thirteen states present represented by three members each we could clear off our business in two or three months, and that hereafter a session of two or three months in the year could suffice.

The manifesto of the Empress of Russia against the Turks is come to hand—it is flimsy and groundless as that of the Turks is strong & substantial & masterly.

TO THE GOVERNOR OF VIRGINIA.[1]

(BENJAMIN HARRISON.)

ANNAPOLIS Jan. 17. 1784.

SIR,—No post having arrived here from the Southward during the present month till this day, & being to return in a few minutes I am obliged without an opportunity of asking the concurrence of my colleagues to enclose you a copy of the proclamation of the Definitive treaty & it's ratification which happily

[1] From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

took place on the 14th instant. Two officers were immediately dispatched to seek passage by different vessels to France with this important document. I expect one of them would reach the French packet at New York which was to sail from thence on the 20th.

TO THE GOVERNOR OF VIRGINIA.[1] V. S. A.
(BENJAMIN HARRISON.)

ANNAPOLIS, Jan. 23, 1784.

SIR,—The inclosed papers from Oliver Pollock came to our hands a few days ago. Ignorance of the organisation of our government probably led him to make this improper address, on a business so foreign to the line of our duty. We take the liberty on his behalf of inclosing them to your Excellency with a copy of our answer to him.

We have the honor to be with the most profound respect & esteem Your Excellency's most obedient and most humble servants

TH. JEFFERSON JAS. MONROE
ARTHUR LEE S. HARDY

TO OLIVER POLLOCK.

ANNAPOLIS Jan 23. 1784.

SIR,—Your letter bearing date at the Havana Nov. 20, 1783, came to our hands a few days ago. The subject of it however is one of those submitted by the constitution of our State to its Executive power,

[1] In Jefferson's handwriting.

our duties being such only as respect the Confederacy in general. We think it therefore the most likely means of promoting your wishes to inclose the letter with the papers accompanying it to his Excellency the Governor of Virginia which we will immediately do & have no doubt you will receive justice from the State on every well authenticated claim.

DRAFT OF A REPORT ON THE MEMORIAL OF ZEBULON BUTLER AND OTHERS.[1]

Jeff. mss.

ROUGH DRAFT.

[January 23, 1784]

The Commee to whom were referred the pet^{n} of Zebulon Butler & others claim^{t} under the State of ~~resolutions of the General assembly of Connecticut private soil in this & the letter & proclamation of Govr Trumbul desiring that a court may be inst^{d} for determin^{g} the a revision of the sentence of the Judges formerly~~ Connect. of the private right of soil within the territory Westw^{d} of ~~appointed to hear & finally determine the controversy~~ the Delaware, lately in controversy betw. the ~~s^{d}~~ sd states ~~between that state & the state of Pennsylvania con-~~

FAIR COPY.

C. C.

The Commee to whom were referred the petition of Zebulon Butler & others claiming under the state of Connecticut private right of soil within the territory Westward of the Delaware ~~lately~~ formerly in controversy between the said state & that of

[1] The fair copy, presented to Congress, is endorsed "No. 71. Report of Mr. Jefferson, Mr. Lee, Mr. Williamson, on the meml. of Zebulon Butler & others. Read. Passed Jan 23, 1784." As adopted, it was slightly modified. *Cf.* text in *Journals of Congress*, under Jan. 23, and April 24, 1784.

of Connecticut & that of Penna & complainᵍ that they are disturbed in ~~cerning the boundaries & jurisdiction of the sd States~~ their sd right by others claiming under the sd state of ~~on the Western side of the Delaware~~, ~~also that a~~ Penna & praying that a Cᵗ may be instᵈ for determᵍ the ~~Court may be instituted for determining the~~ said rights; and the resolns. of the G. A. of Conn. & lre ~~private right of soil within the sd territory~~, & proclamn of Govʳ Trumbul praying in like mannʳ the instn of such a court and further notifying that the sd state of Connecticut claims jurisdiction over all the lands between Pennsylvania & the Missisipi from 41° to 42° 2″ Northern latitude. ~~and the petition of Zebulon Butler & others inhabitants within the territory late in dispute between the sd states complaining that they are disturbed in their private right of soil & praying in like manner the institution of a court for determining the same~~, have agreed to the following ~~report~~ resoln.

It appears to your Commee that the controversy between the states of Pennsylva & Connecticut for ~~the~~ territory on the Western side of Delaware river alledged to be within both their Pennsylvania and lately determined by a court constituted & appointed agreeably to the 9 Articles of Confederation and perpetual union to be within the jurisdiction of the State of Pensylvania, complaining that they are disturbed in their said right by others claiming under the said state of Pennsylvania and praying that a court may be instituted under the 9ᵗʰ article of the Confederation for determining the sd right: Also the resolutions of the General assembly of Connecticut & the letter & proclamation of Govʳ Trumbull, desiring in like manner the institution of such a court; and further notifying that the said state of Connecticut claims jurisdiction over all the lands between Pennsylvania & the Misissipi from 41° to 42° 2″ Northern latitude have agreed to the following resolutions.

boundaries was originated in Congress so early as the 5th day of Octob. 1775, and was frequently & much agitated therein from that time to the 3d day of Nov. 1781.

That the state of Pennsva did then petition Congress that the same might be determined according to the 9th Art. of the Confedn.

That Congress did ~~thereon~~ on the 14th day of the same month direct a notification to the state of Connecticut of the petition from Pennsylvania, and assign a day for proceeding thereon.

That the same was regularly proceeded on according to the 9th Art. of the Confedn and that the judges met at Trenton on the 12th day of Nov. 1782 to hear and determine the same.

That a fair, full & patient hearing of the parties by their agents, was given and mature consideration had by the sd court from the sd 12th day of Nov. day by day without intermission till the 30th day of Dec. when final sentence was pronounced: that this sentence was with the unanimous concurrence of the sd judges.

That no improper biass ~~or~~ conduct in the judges ~~or~~ any of them is ~~suggested or~~ supposed ~~or~~ even suggested.

That the sd 9th Article of the Confedn declares that the sentence of such a court shall be final & conclusive

Resolved therefore that the sd sentence ought not to be revised.

Resolved that a court should be instituted according to the sd 9th Art. of the Confedn for determining the private right of soil so far as the same is by the sd article submitted to the determination of such court.

Resolved that the 4th Monday in June next be assigned for the appearance of the sd states of Connecticut & Pennsylvania and parties by their lawful agents at the place in which before Congress or the Commee of the states wheresoever they shall be then sitting.

Resolved that the form of the notice be as follows, to be transmitted by the secretary To the claimants of the private right of soil within the territory heretofore claimed by the state of Connecticut but adjudged to belong to the state of Pennsylvania by the sentence of a federal court pronounced at Trenton on the 30th day of December 1782. To the Legislative and Executive authorities of the state of Pennsylvania

Resolved that a court be instituted according to the said ninth article of the Confederation for determining the private right of soil within the said territory so far as the same is by the sd article submitted to the determination of such a court.

Resolved That the 4th Monday in June next be assigned for the appearance of the parties by their lawful agents before Congress or the Commee of the states wheresoever they shall be then sitting.

Resolved That the form notice of the assignment of the sd day be given to the parties in the following form

To the claimants of the private right of soil within the territory Westward of the Delaware heretofore in controversy between the states of Connecticut & Pennsylvania and adjudged to the latter by the sentence of a federal court of Pennsylva &c. pronounced at Trenton on the 30th day of Decemb. 1782.

It is hereby made known that ~~pursuant to the 9th article of the Confederation the Legislative & Executive bodies of the state of Connecticut and~~ sundry individuals claiming private right of soil under the state of Connecticut ~~of the said state have made application to Congress relating~~ within the territory Westward of the Delaware late in dispute between the sd state & that of Pennsylvania have made application to Congress stating that they ~~sd individuals and others claiming lands under grants from the sd state of Connecticut~~ have been disturbed in their said right of soil by others claiming under ~~grants from~~ the state of Pennsylva and praying for the institution of a court for determining the private right of soil in pursuance of the sd 9th article of the Confedn; and that the 4th Monday in June next is assigned for the appearance of the ~~Connecticut & sd states of Pennsylvania and Connecticut~~ parties by their lawful agents before Congress or a Commee of the states wheresoever they shall be then sitting, to proceed in the premises as by the ~~sd~~ Confedn is directed.

By order of Congress
Charles Thomson
Secretary

It is hereby made known that sundry individuals claiming private right of soil under the state of Connecticut within the said territory have made application to Congress stating that they have been disturbed in their said right of soil by others claiming under the state of Pennsylvania & praying for the institution of a court for determining the said private right of soil in pursuance of the 9th article of Confederation: and that the 4th Monday in June next is assigned for the appearance of the parties by their lawful agents before Congress or a Commee of the states wheresoever they shall be then sitting, to proceed in the premises as by the Confederation is directed. By order of Congress. Charles Thomson, Secretary.

Resolved that the sd notice be transmitted by the Secretary to the Executives of the states of Connecticut & ~~Legislative powers of the state of~~ Pennsylva with a request that they take proper measures for serving the same on the parties interested under their states respectively.

The Commee having not had time to go through so much of the papers referred to them as relates to the claim of the sd state of Connecticut to territory Westward of the state of Pennsylvania beg further time for that purpose.

Resolved that the sd notice be transmitted by the Secretary to the Executives of the states of Connecticut & Pennsylvania with a request that they take proper measures for having the same served on the parties interested under their states respectively.

The Commee having not had time to go through so much of the matters referred to them as relates to the claim of the sd state of Connecticut to territory Westward of the state of Pennsylvania beg further time for that purpose.

REPORT ON LETTER FROM JOHN ALLAN.[1]

[January 29, 1784.]

The Commee to whom were referred the letter of John Allen of Dec. 25. 1783 to his Excy the President of Congress and the papers therein inclosed have agreed to the following resolution.

Resolved that a copy of the sd letter be sent to the Governor of Massachusetts with a recommendation that he cause enquiry to be made whether the encroachments therein suggested have been actually made on the territories of the ~~United~~ States ~~s~~ of Massachusetts by the subjects of his Britannic Majesty from the government of Nova Scotia and ~~that~~ if he shall find ~~them~~ any such to have been made, that he send a representation thereof to the British Governor of Nova Scotia with a copy of the Proclamation of the United States of the 14th inst. (which should be inclosed to the Governor of Massachusetts for that purpose) requesting him in a friendly manner and as a proof of that disposition for peace and harmony which should subsist between

[1] Reported to Congress by a committee consisting of Jefferson, Osgood, and Williamson, and adopted Jan. 29th. The report is in Jefferson's handwriting.

neighboring states to recall ~~the said~~ from off the said territory ~~of these states~~ the sd subjects of his Britannic Majesty so found to have incroached thereon : and that the Govr of Massachusetts be requested to inform Congress of his proceedings herein & the result thereof.

DRAFT OF REPORT ON A COMMITTEE OF THE STATES.[1]

J. MSS.

[January 30, 1784.]

The Commee to whom was referred a report on the powers with which a Commee of the States should be vested during the recess of Congress and a Motion on the same subject have agreed to the following resolutions.

Resolved that the Commee of the states which shall be appointed pursuant to the 9th article of Confederation to sit in the recess of Congress for conducting the business of the United States shall be invested with the powers of directing the determination of controversies concerning the private right of soil in the cases & according to the mode pointed out by the 9th article of the Confederation, regulating the trade and managing all affairs with the Indians not members of any of the states :

Regulating the post offices from one state to another throughout all the United States, appointing officers of the land forces in the service of the United States, except only the commander in chief and regimental officers :

[1] Congress being the executive of the United States, the continuous administration of the government required that it should always be in session. To avoid this latter necessity, it had been proposed, even as early as December, 1775 (see *ante*, I, 496), to constitute a committee of that body to act in its stead for certain purposes. During the war, however, the sessions were so lengthy that the need was not a pressing one, but with the termination of that, the difficulties of obtaining a Congress, and the needlessness of long sessions, once more brought the question to the front. Soon after the Congress met in Dec., 1783, a committee, consisting of Jefferson, Osgood, and Sherman, were appointed to report on the subject. For this committee Jefferson drafted the above paper, but before it was presented it was greatly curtailed and changed, as will be seen by comparing it with the report that immediately follows it.

Appointing the officers of the naval forces :

Commissioning all officers whatever in the service of the United States :

Making rules for the governmt. & regulation of the sd land and naval forces, not inconsistent with the articles of war established by Congress : directing the operations of the said land and naval forces :

Building, buying & equipping vessels previously agreed by Congress to be built, bought & equipped :

Making requisitions from the states for their quotas of men & money proportioned on them by Congress.

Superintending all offices appertaining to the United States.

Directing and controuling the application of money in the detail according to the general appropriation previously made by Congress :

Supplying all vacancies by new appointments to continue in force only until Congress shall make the final appointments.

Executing in general the resolutions, orders, and Ordinances of Congress :

[*torn*] bling Congress at an earlier day than that to which they shall stand adjourned, if the public exigencies shall in their opinion require it.

Provided that in none of these instances they repeal or contravene any Ordinance passed by Congress.

Resolved that nine members shall be requisite to proceed to business : and that no question except for adjourning from day to day, shall be determined without the concurrence of seven votes :

That the President of Congress, if a member of the said Commee, and if not a member, or if absent at any time, then a Chairman to be chosen by themselves, shall preside ; the President or chairman retaining a right to vote :

That the Secretary & other officers of Congress shall attend the sd. Commee.

That they shall keep an accurate journal of their proceedings to be laid before Congress :

And that in these journals shall be entered the yeas and nays of the members when any one of them shall have desired it before the question be put.

POWERS FROM WHICH THE COMMEE OF THE STATES ARE EXCLUDED.

Engaging in war.

Grant^{g} lres of Marque in time of Peace.

Entering into treaties or alliances.

Coining money.

Regulating its value.

Ascertain^{g} sums necessary for defence or welfare.

Emitting bills.

Borrowing money.

Appropriating money.

Agree^{g} on number of vessels of war, or number of land or sea forces.

Appointing Commander in chief of army or navy.

POWERS WHICH THEY MAY EXERCISE.

Appoint^{g} courts for trial of piracies.

Decid^{g} private right of soil after decision of ye General right.

Regulating Indian trade.

Regulating post office.

Appoint^{g} military officers & commissioning them.

Making rules for governm^{t} of forces.

Directing operations of forces.

Build, buy or equip vessels agreed on by Congress.

Make requisitions on the States for quotas of men.

POWERS FROM WHICH THEY SHOULD BE EXCLUDED.

Sending and receiving Ambassadors.

Establishing rules of decision in cases of captures.

Establishing courts of Appeals in cases of captures.

Deciding disputes between states.

Fixing standard of weights & measures.

POWERS WHICH SHOULD BE GIVEN THEM.

To Execute whatever Congress has determin^{d} on.

To superintend all the offices.

To apply Definite sums of money to Definite purposes e. g. expresses, fuel, paper & other contingencies.

To supply all vacant offices till meet^{g} of Congress

To Convoke Congress.

That the Commee of the States be authorized & instructed

To appoint proper persons to enquire into the quantity of pure

silver in the Spanish milled dollars of different dates in circulation with us : from the best assays which have been made.

To enquire in like manner into the fineness of all other the coins which may be found in circulation within these States.

To report to the Commee the result of these enquiries by them to be laid before Congress

To appoint also proper persons to enquire what are the proportions between the values of fine gold & fine silver at the markets of the several countries with which we are or probably may be connected in commerce, & what would be a proper proportion here, having regard to the average of their values at those markets & to other circumstances, & to report the same to the Commee by them to be laid before Congress.

To prepare an Ordinance for establishing the Unit of money within these states, for subdividing it, & for striking coins of gold, silver, & copper on the following principles.

That the money Unit of these states shall be equal in value to a Spanish milled dollar containing so much fine silver as the enquiry before directed shall shew to be contained on an average in dollars of the several dates in circulation with us.

That the Unit shall be divided into fractions decimally expressed.

That there shall be a coin of silver of the value of an Unit.

one other of the same metal of the value of one tenth of an Unit.

one other of copper of the value of the Hundredth of an Unit.

That there shall be a coin of gold of the value of ten Units, according to the report before directed & the judgment of the Commee thereon.

That for the convenience of paiment there shall also be a gold coin of 5. Units & silver coins of $\frac{1}{2}$ $\frac{2}{10}$ & $\frac{5}{100}$ &c.

That the alloy of the sd coins of gold & silver shall be equal in weight to one eleventh part of the fine metal.

That there be proper devices for these coins.

That measures be proposed for preventing their diminution & also their currency & that of any others when diminished.

That the several foreign coins be described & classed in the sd

Ordinance, the fineness of each class stated, & it's value by weight estimated in Units & fractions of Units decimally expressed.

And that the sd draught of an Ordinance be reported to Congress at their next meeting for their consideration & determination.

REPORT ON COMMITTEE OF THE STATES.[1] C. C.

The Commee. to whom was referred a report on the powers with which a Commee of the states should be vested during the recess of Congress and a Motion on the same subject have agreed to the following resolutions.

Resolved that the Commee. of the states which shall be appointed pursuant to the 9th. article of Confederation and perpetual union to sit in the recess of Congress for transacting the business of the United States shall possess all the powers which may be exercised by seven States in Congress assembled, except those of sending Ambassadors, Ministers, Envoys, resident-Consuls or Agents to foreign Countries or courts: establishing rules for deciding what captures: on land or water shall be legal & in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated.

Establishing courts for receiving & determining finally appeals in cases of capture, constituting courts for deciding disputes & differences arising between two or more states: fixing the standard of weights & measures for the United States: changing the rate of postage on the papers passing through the post offices established by Congress, and of repealing or contravening any Ordinance or Act passed by Congress.

Resolved that no question except for adjourning from day to

[1] Endorsed: "No. 33. Report Mr. Jefferson, Mr. Osgood, Mr. Sherman, On powers of a com^ee of the States in recess of Congress: Delivered 30 Jany 1784. Ent^d Read May 27. Postponed to 29. May. Pass'd May 29^t 1784."

By the *Journals* of Congress it appears that this plan was debated April 26th (under which date the plan is printed), and on May 27th, while the plan as finally adopted is printed under May 29, 1784. See *ante*, page 388, and Jefferson's *Autobiography* (1, 75).

day shall be determined without the concurrence of nine votes. That a chairman to be chosen by the Committee shall preside. That the officers of Congress when required shall attend on the sd. Commee. That the Committee shall keep a journal of their proceedings to be laid before Congress and that in these journals, which shall be published monthly & transmitted to the executives of the several States, shall be entered the yeas & nays of the members when any one of them shall have desired it before the question be put.

TO THE SUPERINTENDENT OF FINANCE.[1] J. MSS.

(ROBERT MORRIS.)

[February 1, 1784]

A grand Committee of Congress is now engaged in preparing estimates of the necessary federal expenses of the present year from the first to the last day of it inclusive and of the articles of interest on the public debts foreign & domestic which call indispensably for immediate provision while the impost proposed ultimately for their discharge shall be on it's passage through the states; these estimates are to lead to a new requisition of money from the states, but the commee have hopes that this new requisition may be lessened if not altogether dispensed with provided a full compliance can be obtained with the former requisitions of Nov. 2. 1781 for 8 millions of dollars & of Octob. 10 1782 for 2 millions of dollars. They suppose that the requisn of 8 millions was greater than all the objects of it did in event require. They suppose further that some

[1] Morris' reply is printed in the Sparks' *Diplomatic Correspondence*, XII, 468, and in Wharton's *Revolutionary Diplomatic Correspondence*, VI, 774; but neither work prints this letter.

of these objects have been transferred to other funds. Of course there will be a surplus remaining after all the demands against this requisition which have been paid & payable out of this fund. In like manner 2 m having been part of 6 mill$_{ns}$ estimated on a war establmt and peace taking place immediately after, they expect a surplus may remain on this also after all paiments made & to be made out of it. These surplusses which will be reached by no former appropriation & which are therefore fairly open to be newly appropriated they ask of you to estimate according to the best of your information, that they may see how far an enforcement of them will go toward supplying the demands of the current year: but that they may know how to call on the several states to pay up their deficiencies, it will be necessary also for you to inform them what proportion of these requisitions had been paid up by each state to the 1st day of Jan. 1784.

Another object claimed the attention of the Commee. By a vote of Sept. 4, 1782, 1,200,000 Dollars were required from the states for the special purpose of paying interest, with a permission to them to pay first out of their quotas the interest on loan office certificates and other liquidated debts, loaned or contracted in their own states, so that the balance only was to be remitted to the Continental Treasury. Have any such balances been remitted, or have you any information how far the several states have proceeded, in compliance to comply with this requisition by paim^{t} of interest within their own state?

Or loan office certificates? If you have we shall be obliged to you for it.

A former commee had been appointed to revise the civil list and to adapt it to the change of circumstances which peace has induced. They have gone through that work & reported except so far as it relates to the department of Finance, by which I mean to include the establishments of in the several offices of the Superintend^{t}, Comptroller, Auditor, Register, Treasurer, & the Commers. for settling the accts in the several states, and the accts of the Staff departments. They hope from your letter in answer to one written you by Dr. Williamson their chairman that you are turning your attention to this subject and that you will be so kind as to inform them whether any of the offices or officers may be dispensed with under present circumstances so as to lessen it's expenses without endangering more substantial loss, a true & laudable œconomy being their object. I take the liberty of mentioning this subject to you only because the Grand Commee under whose instructions I write to you, will of course be delayed in their estimates till the other commee shall have made a full report on the civil list.

With you I know it is unnecessary to urge as early an answer as is practicable and have therefore only to add assurances of the sincere respect & esteem with which I have the honor to be, &c.

TO JAMES MADISON. MAD. MSS.

ANNAPOLIS, Feb. 20. 1784.

DEAR SIR,—Your favour of the 11th inst. came to hand this day. I had prepared a multitude of memons of subjects whereon to write you, but I will first answer those arising from your letter. By the time my order got to Philadelphia every copy of Smith's history of New York was sold. I shall take care to get Blair's lectures for you as soon as published, and will attend to your presumed wishes whenever I meet with anything rare & of worth. I wish I knew better what things of this kind you have collected for yourself, as I may often doubt whether you have or have not a thing. I know of no objections to the printing the revisal; on the contrary I think good will result from it. Should this be decided I must make a short trip to Virginia, as from the loss of originals I believe my copies must often be wanting.[1]

I had never met with the particular fact relative to the grinders of the incognitum found in Brasil & Lima & deposited in the British Museum, which you mention from Dr. Hunter. I know it has been said that in a very few instances such bones have been found in S. America. You will find a collection of these in 2. Buff. Epoq. de la Nature, 187. But they have been so illy attested, so loosely & ignorantly described, and so seldom even pretended to have been seen, that I have supposed their identity with the Northern bones, & perhaps their existence at all not sufficiently established. The authority of Hunter

[1] The *Report of the Committee of Revisors.*—*Cf.* II, 197.

is respectable : but if this be the only well attested instance of those bones brought from S. Amera, they may still be believed to have been first carried there either previous to the emigration of the Spaniards when there was doubtless a communication between the Ind^ns. of the two continents, or after that emigration, when an intercourse between the Spaniards of N. & S. Amera took place. It would be unsafe to deny the fact ; but I think it may well be doubted. I wish you had a thermometer. Mr. Madison of the college & myself are keeping observations for a comparison of climate. We observe at sunrise & at four o'clock P. M., which are the coldest & warmest points of the day. If you could observe at the same time it would show the difference between going North & Northwest on this continent. I suspect it to be colder in Orange or Albemarle than here.

I think I informed you in my last that an attempt had been made to ratify the Definitive treaty by seven states only, and to impose this under the sanction of our seal (without letting our actual state appear) on the British court. Reade, Williamson & Lee were violent for this, and gave notice that when the question should be put they would call the yeas & nays, & shew by whose fault the ratification of this important instrument should fail, if it should fail. I prepared the inclosed resolution by way of protest & informed them I would place that also on the journals with the yeas & nays as a justification of those who opposed the proposition. I believe this put a stop to it. They suffered the question to rest unde-

cided till the 14th of Jan. when 9 states appeared & ratified. Colo. Harmer & Colo. Franks were immediately dispatched to take pasages to Europe with copies of the ratification. But by the extraordinary severity of the season, we know they had not sailed on the 7th. inst. The ratification will not therefore arrive in time. Being persuaded I shall be misrepresented within my own state, if any difficulties should arise, I inclose you a copy of the protest containing my reasons. Had the question been put there were but two states who would have voted for a ratification by seven. The others would have been in the negative or divided.—I find Congress every moment stopped by questions whether the most trifling money propositions are not above the powers of seven states as being appropriations of money. My idea is that the estimate for the year & requisition grounded on that, whereon the sums to be allowed to each department are stated, is the general appropriation which requires 9 states, & that the detailing it out provided they do not go beyond these sums may be done by the subordinate officers of the federal government or by a Congress of 7 states. I wish you to think of this & give me your thoughts on the subject.—We have as yet no Sec^{y} of Foreign affairs. *Lee* avows himself a candidate—The plan of Foreign affairs likely to take place is to commission Adams, Franklin & Jay to conclude treaties with the several European powers, and then to return, leaving the field to subordinate characters. Messrs Adams & Jay have paid a visit to the court of London unordered & uninvited. Their

reception has been forbidding. *Luzerne leaves* in August. Whether *recalled* or on *his own request* is not known. This information comes from *himself*, tho' is not as yet *known* [?] of *publickly*. *Lee* finding no *faction* among the 737 here, entered into that among the 864. 737. which rages to a very high degree. A *trial* being appointed by the one party on a certain 761, he undertook to 792 one, and fixed it on precisely the same 761. This of course has placed him in the midst of the mud. He is 80. 302. 885. 409. 941 a 312. 730. 784. 561. 727. of 551. 675 and of 655. 320. 187 expectation. I have no doubt from some conversations with *him*, that there is a design agitating to sever the *western* 1090. 278 and add it to this *state*. *He* supported in conversation with me the propriety & necessity of such a general measure, to wit, of enlarging the *small states* to interest them in the 1104. 162. 130. *He* deserves to be well *switched* in our state. *He* is extremely soured with it, and is not cautious in betraying his hostility *against it*. We cannot make up a Congress at all. There are 8 states in town 6 of which are represented by two members only. Of these two members of different states are confined by the gout, so that we cannot make a house. We have not sat above 3 days I believe in as many weeks. Admonition after admonition has been sent to the states, to no effect. We have sent one to-day. If it fails, it seems as well we should all retire. There have never been 9 states on the floor but for the ratification of the treaty and a day or two after.—George-

town languishes. The smile is hardly covered now when the federal towns are spoken of. I fear that our chance is at this time desperate. Our object therefore must be if we fail in an effort to remove to Georgetown to endeavor then to get to some place off the waters of the Chesapeak where we may be ensured against Congress considering themselves as fixed. My present expectations are, that as soon as we get a Congress to do business, we shall attend to nothing but the most pressing matters, get through them & adjourn, not to meet again till November, leaving a Commee of the States. That Commee will be obliged to go immediately to Philadelphia to examine the offices & of course they will sit there till the meeting in November. Whether that meeting will be in Philadelphia or Trenton will be the question and will in my opinion depend on the vote of *New York* [?]. Did not you once suppose in conversation with me that Congress had no authority to decide any cases between two differing states, except those of disputed territory? I think you did. If I am not mistaken in this, I should wish to know your good sense of the words which describe those cases which may be submitted to a federal court. They seem to me to comprehend every cause of difference.

We have received the act of our assembly ceding the lands north of Ohio & are about executing a deed for it. I think the territory will be laid out by passing a meridian through the western cape of the mouth of the Gr. Kanhaway from the Ohio to L. Erie, and another through the rapids of Ohio from

the same river to Michigan & crossing these by the parallels of latitude 37° 39° 41° &c, allowing to each state an extent of 2° from n. to south. On the Eastern side of the merid^{n} of Kanhaway will still be one new state, to wit, the territory lying between that meridian, Pennsylva, the Ohio & L. Erie. We hope N. Carola will cede all beyond the same meridian of Kanhaway & Virginia also. For God's sake push this at the next session of assembly. We have transmitted a copy of a petition from the people of Kentucky to Congress praying to be separated from Virginia. Congress took no notice of it. We sent the copy to the Governor desiring it to be laid before the Assembly. Our view was to bring on the question. It is for the interest of Virginia to cede so far immediately, because the people beyond that will separate themselves, because they will be joined by all our settlements beyond the Alleghany if they are the first movers. Whereas if we draw the line, those at Kentucky having their end will not interest themselves for the people of Indiana, Greenbriar &c. who will of course be left to our management, and I can with certainty almost say that Congress would approve of the meridian of the mouth of the Kanhaway and consider it as the ultimate point to be desired from Virginia. I form this opinion from conversation with many members. Should we not be the first movers, and the Indianians & Kentuckians take themselves off and claim to the Alleghany I am afraid Congress would secretly wish them well. Virginia is extremely interested to retain to that meridian. I.

because the Gr. Kanhaway runs from north to south across our whole county, forming by its waters a belt of fine land, which will be thickly seated & will form a strong barrier for us. 2. Because the country for 180 miles beyond that is an absolute desart, barren & mountainous, which can never be inhabited, & will therefore be a fine separation between us & the next state. 3. Because the government of Virginia is more convenient to the people on all the upper parts of Kanhaway than any other which will be laid out. 4. Because our lead mines are in that country. 5. Because the Kanhaway is capable of being made navigable and therefore gives entrance into the western waters to every part of our latitude. 6. Because it is not now navigable & can only be made so by expensive works, which require that we should own the soil on both sides. 7. Because the Ohio, and it's branches which head up against the Patowmac affords the shortest water communication by 500 miles of any which can ever be got between the western waters & Atlantic, & of course promises us almost a monopoly of the western & Indian trade. I think the opening this navigation is an object on which no time is to be lost. Pennsylva is attending to the Western commerce. She has had surveys made of the river Susquehanna and of the grounds thro' which a canal must pass to go directly to Philadelphia. It is reported practicable at an expense of £200,000 and they have determined to open it. What an example this is! If we do not push this matter immediately they will be beforehand with us

& get possession of the commerce. And it is difficult to turn it from a channel in which it is once established. Could not our assembly be induced to lay a particular tax which should bring in 5 or 10,000£ a year to be applied till the navigation of the Ohio & Patowmac is opened, then James river & so on through the whole successively. Gen'l Washington has that of the Patowmac much at heart. The superintendance of it would be a noble amusement in his retirement & leave a monument of him as long as the waters should flow. I am of opinion he would accept of the direction as long as the money should be to be emploied on the Patowmac, & the popularity of his name would carry it thro' the assembly. The portage between Yohogania & the N. branch of Patowmac is of 40 or 50 miles. Cheat river is navigable far up. It's head is within 10 miles of the head of the North branch of Patowmac & I am informed offers the shortest & best portage. —I wish in the next election of delegates for Congress, Short could be sent. His talents are great & his weight in our state must ere long become principal. I see the best effects produced by sending our young statesmen here. They see the affairs of the Confederacy from a high ground; they learn the importance of the Union & befriend federal measures when they return. Those who never come here, see our affairs insulated, pursue a system of jealousy & self interest, and distract the Union as much as they can. Gen'l Gates would supply Short's place in the council very well, and would act. He is now here.

What will you do with the council? They are expensive, and not constantly nor often necessary: yet to drop them would be wrong. I think you had better require their attendance twice a year to examine the Executive Department, & see that it be going on rightly, advise on that subject the Governor, or inform the legislature as they shall see occasion. Give them 50 guineas each for each trip, fill up only 5 of the places, and let them be always subject to summons on great emergencies by the Governor, on which occasions their expences only should be paid. At an expence of 500 guineas you will then preserve this member of the constitution always fit for use. Young & ambitious men will leave it & go into the Assembly, but the elderly & able who have retired from the legislative field as too turbulent will accept of the offices.—Among other legislative subjects *our* distresses ask notice. I had been from home four months & had expended 1200 Dollars before I received one farthing. By the last post we received about seven weeks' allowance. In the meantime some of us had had the mortification to have our horses turned out of the livery stable for want of money. There is really no standing this. The supply gives us no relief because it was mortgaged. We are trying to get something more effectual from the treasury, having sent an express to inform them of our predicament. I shall endeavour to place as much in the Philadelphia bank as will repay your kindness, unless you should alter your mind & chuse to take it in the Virginia treasury.—I have

hunted out *Chatellux journal* & had a reading of it. I had never so falsely estimated the character of a book. There are about six sentences of offensive bagatelles, which are all of them publicly known, because having respected individual characters they were like carrion for the buzzard curiosity. All the rest of the book (and it is a 4to of 186 pages) is either entertaining, or instructive & would be highly flattering to the Americans. He has visited all the principal fields of battle, enquired minutely into the detail of the actions, & has given what are probably the best accounts extant of them. He often finds occasion to criticise & to deny the British accounts from an inspection of the ground. I think to write to him recommend the expunging the few exceptionable passages & publication of the rest.—I have had an opportunity here of examining Bynkershoek's works. There are about a fourth part of them which you would like to have. They are the following tracts. Questiones juris publici—de lege Rhodeâ—de dominio maris—du Juge conopetent des Ambassadeurs, for this last if not the rest has been translated into French with notes by Barbeyrae. I have had from Boirod & Gaillard a copy of Mussenbroeck's cours de Physique. It is certainly the most comprehensive & most accurate body of Nat^{l} Philosophy which has been ever published. I would recommend to you to get it, or I will get that and any other books you want from Boirod or elsewhere. I hope you have found access to my library. I beg you to make free

use of it. Key, the steward is living there now & of course will be always in the way. Monroe is buying land almost adjoining me. Short will do the same. What would I not give [if] you could fall into the circle. With such a society I could once more venture home & lay myself up for the residue of life, quitting all it's contentions which grow daily more and more insupportable. Think of it. To render it practicable only requires you to think it so. Life is of no value but as it brings us gratifications. Among the most valuable of these is rational society. It informs the mind, sweetens the temper, chears our spirits, and promotes health. There is a little farm of 140 a^{s} adjoining me, & within two miles, all of good land, tho' old, with a small indifferent house on it, the whole worth not more than £250. Such a one might be a farm of experiment & support a little table & household. It is on the road to Orange & so much nearer than I am. It is convenient enough for supplementary supplies from thence. Once more think of it, and Adieu.

DRAFT OF DEED OF CESSION OF NORTHWEST TERRITORY.[1]

J. MSS.

[March 1, 1784.]

To all who shall see these presents we [here name the delegates] the underwritten delegates for the Commonwealth of Virginia in the Congress of the United States of America send greeting.

Whereas the general assembly of the Commonwealth of Virginia at their sessions begun on the 20th day of Octob. 1783, passed an

[1] The deed as finally executed is in the *Journals of Congress* for March 1, 1784. This rough draft is in Jefferson's handwriting.

Act entituled 'An act to authorise the delegates &c.'—in these words following to wit 'Whereas the Congress &c.' [reciting the act verbatim.]

And whereas the sd General Assembly by their Resolution of June 6th 1783, had constituted & appointed us the sd A. B. C. &c. delegates to represent the sd Commonwealth in Congress for one year from the first Monday in November then next following, which resolution remains in full force.

Now therefore know ye that we the sd A. B. C. &c. by virtue of the power & authority, committed to us by the act of the sd. General Assembly of Virginia before recited, and in the name & for & on behalf of the sd Commonwealth do by these presents convey, transfer, assign, & make over unto the United States in Congress assembled for the benefit of the sd States, Virginia inclusive, all right, title & claim as well of soil as of jurisdiction which the sd. Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying & being to the Northwest of the river Ohio to and for the uses & purposes and on the conditions of the sd recited act.

In testimony whereof we have hereunto subscribed our names and affixed our seals in Congress the day of in the year of our lord 1784, and of the independance of the United States the eighth.

Signed, sealed and
delivered in presence of

REPORT ON GOVERNMENT FOR WESTERN TERRITORY.[1]

C. C.

[March 1, 1784.]

The Committee appointed to prepare a plan for the temporary Government of the Western territory have agreed to the following resolutions :

[1] Endorsed : "Report of Mr. Jefferson, Mr. Chase, Mr. Howell. Temporary Governmt of Western Country Delivered 1 March 1784. Entd—Read.—March 3. Monday next assigned for the consideration of this report. March

Resolved that the territory ceded or to be ceded by Individual States to the United States whensoever the same shall have been purchased of the Indian Inhabitants & offered for sale by the U. S. shall be formed into distinct States bounded in the following manner as nearly as such cessions will admit, that is to say; Northwardly & Southwardly by parallels of latitude so that each state shall comprehend from South to North two degrees of latitude beginning to count from the completion of thirty-one degrees North of the equator, but any territory Northwardly of the 47th degree shall make part of the state—next below, and Eastwardly & Westwardly they shall be bounded, those on the Mississippi by that river on one side and the meridian of the lowest point of the rapids of Ohio on the other; and those adjoining on the East by the same meridian on their Western side, and on their eastern by the meridian of the Western cape of the mouth of the Great Kanhaway. And the territory eastward of this last meridian between the Ohio, Lake Erie & Pennsylvania shall be one state.

That the settlers within the territory so to be purchased & offered for sale shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place for their free males of full age to meet together for the purpose of establishing a temporary government, to adopt the constitution & laws of any one of these states, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any state until it shall have acquired 20,000 free inhabitants,

17. 1784. recommitted."—There is no record of the appointment of this committee, but it must have been before Feb. 21, 1784, for on that date Howells wrote to Arnold (*Rhode Island and the Continental Congress*, 479), stating that the committee had agreed to this report, and sketching its outlines. It was probably appointed before Congress adjourned to Annapolis, Nov. 4, 1783, for Howells wrote that the subject "was largely debated at Princeton last summer," but the committee did not report till the Virginia cession had been formally signed, and accepted by Congress.

This report is entirely in Jefferson's handwriting, as will be seen by the facsimile. It was recommitted to the original committee, who reported a substitute for it, March 22, 1784, which is printed in this collection under that date.

The Committee appointed to prepare a plan for the temporary government of the Western territory have agreed to the following resolutions.

Resolved that the territory ceded or to be ceded by Individual states to the United states shall, whensoever the same shall have been purchased of the Indian Inhabitants & offered for sale by the U.S. be formed into distinct states bounded in the following manner as nearly as such cessions will admit, that is to say, Northwardly & Southwardly by parallels of latitude so that each state shall comprehend from South to North two degrees of latitude beginning to count from the completion of thirty one degrees North of the Equator. but any territory Northwardly of the 47th degree shall make part of the state next below. and Eastwardly & Westwardly they shall be bounded, those on the Missisipi by that river on one side and the meridian of the lowest point of the rapids of Ohio on the other; and those adjoining on the East by the same meridian on their Western side, and on their Eastern by the meridian of the Western cape of the mouth of the Great Kanhaway. And the territory Eastward of this last meridian between the Ohio, Lake Erie, & Pennsylvania shall be one state.

That the settlers within ~~any of the said states~~ the Territory so to be purchased & offered for sale shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place for their free males of full age to meet together for the purpose of establishing a temporary government, to adopt the constitution & laws of any one of these states, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any state until it shall have acquired 20,000 free inhabitants; when giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to call a Convention of representatives to establish a permanent constitution & government for themselves.

when, giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to call a Convention of representatives to establish a permanent Constitution & Government for themselves.

Provided that both the temporary & permanent Governments be established on these principles as their basis. 1, That they shall forever remain a part of the United States of America 2, That in their persons, property & territory, they shall be subject to the Government of the United States in Congress assembled and to the articles of confederation in all those cases in which the original states shall be so subject. 3, That they shall be subject to pay a part of the federal debts contracted or to be contracted to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states. 4, That their respective Governments shall be in republican forms, and shall admit no person to be a citizen, who holds any hereditary title. 5, That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whenever any of the sd states shall have, of free inhabitants as many as shall then be in any one the least numerous of the thirteen original states, such state shall be admitted by it's delegates into the Congress of the United States, on an equal footing with the said original states: After which the assent of two thirds of the United States in Congress assembled shall be requisite in all those cases, wherein by the Confederation the assent of nine States is now required. Provided the consent of nine states to such admission may be obtained according to the eleventh of the Articles of Confederation. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary Government, shall have authority to keep a sitting Member in Congress, with a right of debating, but not of voting.

That the territory Northward of the 45th degree, that is to say of the completion of 45° from the Equator & extending to the Lake of the Woods, shall be called SYLVANIA:

That of the territory under the 45th & 44th degrees that which lies Westward of Lake Michigan shall be called MICHIGANIA, and that which is Eastward thereof within the peninsula formed by the lakes & waters of Michigan, Huron, St. Clair and Erie, shall be called CHERRONESUS, and shall include any part of the peninsula which may extend above the 45th degree.

Of the territory under the 43d & 42d degrees, that to the Westward thro' which the Assenisipi or Rock river runs shall be called ASSENISIPIA, and that to the Eastward in which are the fountains of the Muskingum, the two Miamis of Ohio, the Wabash, the Illinois, the Miami of the lake and Sandusky rivers, shall be called METROPOTAMIA.

Of the territory which lies under the 41st & 40th degrees the Western, thro which the river Illinois runs, shall be called ILLINOIA ; that next adjoining to the Eastward SARATOGA, and that between this last & Pennsylvania & extending from the Ohio to Lake Erie shall be called WASHINGTON.

Of the territory which lies under the 39th & 38th degrees to which shall be added so much of the point of land within the fork of the Ohio & Missisipi as lies under the 37th degree, that to the Westward within & adjacent to which are the confluences of the rivers Wabash, Shawanee, Tanisse, Ohio, Illinois, Missisipi & Missouri, shall be called POLYPOTAMIA, and that to the Eastward farther up the Ohio otherwise called the PELISIPI shall be called PELISIPIA.

That the preceding articles shall be formed into a charter of Compact, shall be duly executed by the President of the U. S. in Congress assembled under his hand and the seal of the United States, shall be promulgated, and shall stand as fundamental constitutions between the thirteen original States, & those now newly described unalterable but by the joint consent of the U. S. in Congress assembled and of the particular state within which such alteration is proposed to be made.

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Provided that both the temporary & permanent governments be established on these principles as their basis. 1. That they shall for ever remain a part of the United states of America. 2. That in their persons, property & territory they shall be subject to the government of the United States in Congress assembled, & to the Articles of confederation in all those cases in which the original states shall be so subject. 3. That they shall be subject to pay a part of the federal debts contracted or to be contracted to be apportioned on them by Congress according to the same common rule, and measure, by which apportionments thereof shall be made on the other states. 4. That their respective governments shall be in republican forms, and shall admit no person to be a citizen who holds any hereditary title. 5. That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whensoever any of the said states shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original states, such state shall be admitted by it's delegates into the Congress of the United States, on an equal footing with the said original states. after which the assent of two thirds of the United states in Congress assembled shall be requisite in all those cases, wherein by the Confederation the assent of nine states is now required provided the consent of nine states to such admission may be obtained according to the eleventh of the articles of Confederation. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary government, shall have authority to keep a standing member in Congress with a right of debating, but not of voting.

TO THE GOVERNOR OF VIRGINIA. V.S.A.

(BENJAMIN HARRISON.)

ANNAPOLIS, Mar. 3. 1784.

SIR,—Mr. Hardy's illness & Colo. Mercer's absence deranged the order in which the office of corresponding member was to pass: so that mr Lee exercised it for January, Colo. Monroe for Feb. and mr Hardy takes it for the present month. I mention this that my own correspondence as an individual may not at any time be mistaken as having passed the sanction of the delegation. On receiving the act of assembly for the Western cession, our delegation agreed on the form of a deed; we then delivered to Congress a copy of the act, and the form of the deed we were ready to execute whenever they should think proper to declare they would accept it. They referred the act & deed to a committee, who reported the act of assembly to comport perfectly with the propositions of Congress, and that the deed was proper in its form, and that Congress ought to accept the same. On the question to agree to the report of the Committee 8 states being present, Jersey was in the negative & S. Carolina & Pennsylvania divided (being represented each by 2 members). Of course there were 5 ayes only & the report fell. We determined on consultation that our proper duty was to be still, having declared we were ready to execute, we would leave it to them to come forward and tell us they were ready to accept. We medled not at all therefore, & shewed a perfect indifference. N. Hampshire came to town which made us 9 states. A member proposed that

we should execute the deed & lay it on the table, which after what had been done by Congress would be final, urging the example of N. York which had executed their deed, laid it on the table, where it remained 18 months before Congress accepted it. We replied, no, if the lands are not offered for sale the ensuing spring, they will be taken from us all by adventurers, we will therefore put it out of our power by the execution of a deed to sell them ourselves, if Congress will not. A member from Rhode Island then moved that Congress should accept. Another from Jersey proposed as an amendment a proviso that it should not amount to an acknowledgement of our right. We told them we were not authorised to admit any conditions or provisions, that their acceptance must be simple, absolute & unqualified or we could not execute. On the question there were 6 ayes, Jersey no, S. Carolina & Pennsylvania divided. The motion dropped & the house proceeded to other business. About an hour after the dissenting Pennsylvania asked & obtained leave to change his no, into aye, the vote then passed & we executed the deed. We have desired an exemplification of it under the seal of the states which we shall transmit you by the post if no safer opportunity occurs. This shows the wisdom of the assembly in not tacking any new conditions, which would certainly have defeated their accomodating intentions.

We have just received from the Superintendant of finance a report of the paiments made and the arrears still due on the requisition of Octo. 30. 1781 for 8

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That the territory Northward of the 45th degree that is to say, of the completion of 45° from the Equator, & extending to the Lake of the Woods ~~Western of Lake Superior~~, shall be called Sylvania:

That of the territory under the 45th & 44th degrees that which lies Westward of Lake Michigan shall be called Michigania, and that which is Eastward thereof within the peninsul formed ~~and nearly encircled~~ by the lakes & waters of Michigan, Huron, St Clair and Erie, shall be called Cherronesus, and shall include any part of the peninsul which may extend above the 45th degree

of the territory under the 43d & 42d degrees, that to the Westward thro which the Assenisipi or Rock river runs shall be called Assenisipia, and that to the Eastward in which are the fountains of the Muskingum the Two Miamis of Ohio, the Wabash, the Illinois the Miami of the lake and Sandusky rivers, shall be called Metropotamia.

of the territory which lies under the 41st & 40th degrees, the Western, thro which the river Illinois runs, shall be called Illinoia: that next adjoining to the Eastward Saratoga and that between this east & Pennsylvania & extending from the Ohio to Lake Erie, shall be called Washington.

of the territory which lies under the 39th & 38th degrees to which shall be added so much of the point of land within the fork of the Ohio & Mississippi as lies under the 37th degree, that to the Westward within & adjacent to which are the confluences of the rivers Wabash, Shawanee, Tanissee, Ohio, Illinois, Mississipi & Missouri, shall be called Polypotamia, and that to the Eastward, farther up the Ohio, otherwise called the Pelisipi shall be called Pelisipia.

That the preceding articles shall be formed into a Charter of Compact shall be duly executed by the President of the U. S. in Congress assembled under his hand & the seal of the United States shall be promulgated, and shall stand as fundamental constitutions between the thirteen original states, & those now newly described unalterable but by the joint consent of the U. S. in Congress assembled and of the particular state within which such alteration is proposed to be made

millions of dollars. This statement comes down to Jan. 1. 1784.

	paid Doll.	due Doll.
N. Hampshire	3,000	370,598
Massachusetts	247,676$\frac{2}{8}$	1,059,919$\frac{1}{8}$
Rhode island	67,847$\frac{86}{90}$	148,836.$\frac{1}{4}$
Connecticut	131,577$\frac{3}{4}$	615,618$\frac{1}{6}$
New York	39,064$\frac{1}{10}$	334,533$\frac{81}{90}$
New Jersey	102,004$\frac{17}{18}$	383,674$\frac{1}{18}$
Pennsylvania	346,632$\frac{89}{90}$	774,161$\frac{1}{90}$
Delaware	Nothing	112,085
Maryland	89,302$\frac{1}{9}$	844,693$\frac{8}{9}$
Virginia	115,103$\frac{8}{15}$	1,192,490$\frac{42}{90}$
N. Carolina	Nothing	622,677
S. Carolina	344,301$\frac{26}{45}$	29,296$\frac{88}{90}$
Georgia	Nothing	24,905

Colo. Harmer with the ratification of the Definative treaty which was executed in Congress Jan. 14th got on board the French packet at N. York on the 20th of Jan. Colo. Frank took his passage on another vessel a few days after. Neither sailed till the 17th of Feb. being blocked up by the ice. They have then not got to Paris to exchange them this day as had been stipulated. In right this can make no difference. We executed the ratification in time, and its passage across the Atlantic was prevented by circumstances not under our controul. The accomodation of the Turks and Russians, leaving Europe in Peace and France of course at liberty, keeps us safe. This accomodation is said to have been effected by the interposition of France & Prussia. This does not come

from our ministers, from whom we have had no late intelligence on this subject, but is told me by Monsr. Marbois who sais he has it from good information. We are still farther insured against any ill effect from this accident if the news of the day be true. An English vessel, arrived at N. York, brings papers which say that Ld North & mr Fox carried their E. India bill triumphantly by $\frac{2}{3}$ of the voices through the house of commons, but lost it in the lords, when they resigned ; and that mr Pitt & his friends would be at the head of the administration. The Prince of Wales voted against the bill & received a repremand from the King—so far the papers. The change would be fortunate for us, as L. North's hostility is notorious, and Pitt rather well disposed to us. The movements of the K. of Prussia to emancipate the navigation of the Vistula, and of the emperor to free that of the Scheld do not I believe threaten the peace of Europe. On the contrary they indicate that they have no great work on hand. This assertion then of the natural right of the inhabitants of the upper part of a river to an innocent passage through the country below is rather pleasing to us. It tends to establish a principle favorable to our right of navigating the Missisipi.

We are now engaged in making an estimate of the expences of the current year. It appears that the commissioners sent to the several states to settle their accounts add so unreasonable a proportion to the expences of the Finance department, that it is my opinion Congress will recall them after some not very

distant day. I mention this that your Excellency may keep an eye over the progress of the state-settlement with mr Turner & push it unremittingly to avoid the being obliged to send the vouchers, accounts &c to Philadelphia for such parts as shall not be completed before the recall.

REPORT ON REDUCTION OF CIVIL LIST.[1]

[March 5, 1784.]

The committee appointed to consider what reductions may be made in the civil list have agreed to the following resolutions :

Resolved that the following offices be discontinued, to wit,

The Chargé des affaires at the Court of Madrid whose salary is	4444	Dollars
Agent at the Hague	920.	
2d Under Secretary of Foreign Affairs	700.	
The Secretary of the War offices	1000.	
Agent of Marine	1500.	
Paymaster	1000	
Commissary of prisoners	1200	
The Assistant to the Superintendant of finance.	1850	
3 Clerks in the Office of finance (meaning that 3 shall remain)	1500	
1 Clerk to the Comptroller	500	
2 Auditors	2000	
1 Chaplain	400	
The Establishment of the Jail	1338⅔	
Door keeper to Congress	400	

[1] Endorsed : "Report of Mr Wiliamson, Mr Gerry, Mr Tilton, Mr Jefferson, Mr M'Henry. Reduction of civil list. Entd read 5 March 1784." It was considered March 24th and again on May 5th.

Whereby an annual saving will accrue to the
United States of . . . . . 18,752⅓ Dol.

Resolved that the following salaries may be reduced by taking from the allowances heretofore established the following sums.

The Superintendant of finance	2000. Doll.
The Three foreign Ministers each 1111⅓ Doll .	3333⅓
Whereby an annual saving will accrue to the United States of	5333⅓.

Resolved that instead of the annual salary heretofore allowed to the Judges of the Court of Appeals, they be allowed on every special occasion wherein they shall be called on, the sum of 14 Dollars each for every day they shall sit in court, and the same for every day necessarily employed in travelling to & from Court.

Resolved that after the day of the following offices may be discontinued.

	Doll.
13. Commissioners for settling the accounts of the U. S. in the several States . . .	19,500
9 Clerks to the said Commissioners . . .	4,500
5 Commissioners for settling the accounts of the Staff departments.	7,500
9 clerks to the Commissioners last mentioned	4,500
Whereby an annual saving will thence ensue of	36,000 Doll.

Resolved that the duties of Agent of Marine be performed by the Secretary at War, who for his assistance therein shall retain a Secretary of Marine heretofore allowed in the office of the Agent of Marine.

A view of the civil list as proposed to be reduced, (stated for the satisfaction of the house but not made a part of the report.)

Secretary of Congress.....	3000. Doll.	
Depy. Secretary.....	1000	
2. Clerks.....	1000	
Messenger.....	400.	5400

Chaplain		400
Secretary of Foreign affairs	4000	
1 Under Secretary	800	
2 Clerks	1000.	5,800
Secretary at War	4000	
Assistant	1250	
2 Clerks	1000	
Secretary of Marine	1000	
Messenger	300.	7550
Superintendant of Finance	4000	
Secretary	1000	
3 Clerks	1500	
Waiter	300	
Comptroller	1850	
Auditor	1000	
6 Clerks of Accounts	3000	
Register	1200	
4 Clerks	2000	
Messenger	192	
Treasurer	1500	
Clerk	500.	18042
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3. Foreign ministers @ 10.000	30,000.
1. Secretary of embassy	1,333⅓
	31,333⅓
Brought forward	37,192
	68,525⅓

3. Judges of Appeals.

INSTRUCTIONS FOR NEGOTIATING WITH INDIANS.[1] C. C.

[MARCH 5, 1784.]

The Committee appointed to revise the 4th & 5th of the instructions of Oct. 15, 1782, given to the Commissioners for negotiating a treaty with the Indians have agreed to the following resolutions.

Resolved that the said 4th article be repealed &, that instead thereof the following be substituted: 4thly that a meridian line passing through the lowest point of the Rapids of Ohio to the Northern boundary of these United States, shall be proposed as the ~~comprehending all the lands between the sd. boundary on the North the Ohio on the South the sd meridian on the West and Pennsylvania on the East, or so much thereof as they nation having title thereto may be inclined to con yield sent etc. shall be added to the United States shall be agreed on as the dividing~~ line of ~~and possession thereof or of any parts thereof to be given to the U. S. at such times as may be agreed upon in the Treaty.~~ division between the several Indian Tribes ~~nations~~ & these states, so that all the lands comprehended between the sd boundary on the North, the Ohio on the South, the sd meridian on the West and Pennsylvania on the East, or so much thereof as the tribes having title thereto, may be induced to part with, shall be ceded to the United States.

Resolved that the said 5th Article be repealed & that instead thereof the following be substituted: 5thly, ~~the interests & happiness of the Indians as well as of the inhabitants of the United States requiring that every circumstance should be avoided which may lead to hostile dispositions between them, and the meeting of several tribes nations in at one council having a tendency to generate combinations for the purposes of War~~ the said commissioners are instructed, as far as they shall ~~be in their power~~ find it convenient to treat with the several nations ~~every tribe~~ at different times & places; & where necessity shall oblige them to bring two or more ~~tribes~~ nations together, that they are still to

[1] Endorsed: "Report of Mr Jefferson, Mr Howell, Mr Williamson. On 4 & 5 of instructions of 15 Oct. 1783, to Coms for negotiating with Indians. Entd read. 4 March. 1784.—Passed 19 March, 1784." See *Journals of Congress*, March 5, 1784.

keep their treaties & conferences as destinct; as may be ~~that they make known to the Shawanese & Delawares that these United States consider them as independent Nations & will protect them as such~~: that they countenance every disposition in any one of the six nations to treat & act separately & independently ~~of their confederacy~~; and that in general they discourage every coalition & consultation which might tend to involve ~~them or your tribes in the contests which any one of them may enter into with these United States~~ any one ~~tribe~~ nation in the Wars of the others.

TO GEORGE WASHINGTON. W. MSS.

ANNAPOLIS, Mar. 6. 1784.

DEAR SIR,—Your favor of the 3rd is this moment put into my hands, and as the post does not usually stay here above an hour, it leaves me time to scribble a few lines only, scarcely admitting them to be prefaced with an acknowledgement of the pleasure it will give me to be permitted to communicate with you occasionally. We received dispatches from Europe yesterday by Capt. Barney. There is no news but in one from Dr. Franklin of Dec. 25 and another from the Marquis Fayette of Dec. 26. The Doctor tells us only of the movements of our ministers, that Mr. Laurens was about sailing from England for America, Mr. Adams about setting out from England to the Hague, and Mr. Jay at Bath. He gives a picture of the disposition of England towards us: he observes that tho' they have made peace with us, they are not reconciled to us nor to the loss of us. He calls to our attention the numerous royal progeny to be provided for, the military education giving to some of them, the ideas in England of the distraction among ourselves, that the people here are already

fatigued with their new governments, the possibility of circumstances arising on the Continent of Europe which might countenance the wishes of Gr. Britain to recover us, and from thence inculcates a useful lesson to cement the friendships we possess in Europe. The Marquis tells us the Turks & Russians will be kept apart for a while, probably for another year, but that they must in the end come to decision. That Mr. Fox & L.d North were both out of the Ministry, & this by a maneuvre of the King's, who got them compromitted fairly with their E. India bill, & contrived to get it rejected in the Lords; & that Mr. Pitt & E. Temple would come in. The Marquis himself will sail for America in the spring.

The present hurry forbids me to write to you on a subject I have much at heart, the approaching & opening the Navigation of the Ohio & Patowmac. I will trouble you by the next post. De Witt's petition happens to be in my possession as member of a committee who have not yet reported on it. I was happy to learn from you something of the man.

TO GEORGE WASHINGTON. W. MSS.

ANNAPOLIS Mar. 15. 1784.

Dr Sir,—Since my last nothing new has occurred, I suppose the crippled state of Congress is not new to you. We have only 9 states present, 8. of whom are represented by two members each, and of course, on all great questions not only an unanimity of States but of members is necessary. An unanimity which never can be obtained on a matter of any im-

portance. The consequence is that we are wasting our time & labour in vain efforts to do business.— Nothing less than the presence of 13. States, represented by an odd number of delegates will enable us to get forward a single capital point. The deed for the cession of Western territory by Virginia was executed & accepted on the 1st instant. I hope our country will of herself determine to cede still further to the meridian of the mouth of the great Kanhaway. Further she cannot govern; so far is necessary for her own well being. The reasons which call for this boundary (which will retain all the waters of the Kanhaway) are 1. That within that are our lead mines. 2. This river rising in N. Carola traverses our whole latitude and offers to every part of it a channel for navigation & commerce to the Western Country, but 3. It is a channel which can not be opened but at immense expense and with every facility which an absolute power over both shores will give. 4. This river & it's waters forms a band of good land passing along our whole frontier, and forming on it a barrier which will be strongly seated. 5. For 180 miles beyond these waters is a mountainous barren which can never be inhabited & will of course form a safe separation between us & any other State. 6. This tract of country lies more convenient to receive it's government from Virginia than from any other State. 7. It will preserve to us all the upper parts of Yohogany & Cheat rivers within which much will be done to open these which are the true doors to the Western commerce. The union of this navigation with that of the Patowmac is a subject on which I mentioned that

I would take the liberty of writing to you. I am sure it's value and practicability are both well known to you. This is the moment however for seizing it if ever we mean to have it. All the world is becoming commercial. Was it practicable to keep our new empire separated from them we might indulge ourselves in speculating whether commerce contributes to the happiness of mankind. But we cannot separate ourselves from them. Our citizens have had too full a taste of the comforts furnished by the arts & manufactures to be debarred the use of them. We must then in our defence endeavour to share as large a portion as we can of this modern source of wealth & power. That offered to us from the Western Country is under a competition between the Hudson, the Patowmac & the Missisipi itself. Down the last will pass all heavy commodities. But the navigation through the gulf of Mexico is so dangerous, & that up the Missisipi so difficult & tedious, that it is not probable that European merchandize will return through that channel. It is most likely that flour, lumber & other heavy articles will be floated on rafts which will be themselves an article of sale as well as their loading, the navigators returning by land or in light batteaux. There will therefore be a rivalship between the Hudson & Patowmac for the residue of the commerce of all the country Westward of L. Erie, on the waters of the lakes, of the Ohio & upper parts of the Missisipi. To go to N. York, that part of the trade which comes from the lakes or their waters must first be brought into L. Erie. So also must that which comes from the

waters of the Missisipi, and of course must cross at some portage into the waters of the lakes. When it shall have entered L. Erie it must coast along it's Southern Shore on account of the number & excellence of it's harbours, the Northern, tho' shortest, having few harbours & these unsafe. Having reached Cuyahoga, to proceed on to N. York will be 970 miles from thence & five portages, whereas it is but 430 miles to Alexandria, if it turns into the Cuyahoga & passes through that, Big beaver, Ohio, Yohogany (or Monongahela & Cheat) & Patowmac, & there are but two portages. For the trade of the Ohio or that which shall come into it from it's own waters or the Missisipi, it is nearer to Alexandria than to New York by 730 miles, and is interrupted by one portage only. Nature then has declared in favour of the Patowmac, and through that channel offers to pour into our lap the whole commerce of the Western world. But unfortunately the channel by the Hudson is already open & known in practice ; ours is still to be opened. This is the moment in which the trade of the West will begin to get into motion and to take it's direction. It behoves us then to open our doors to it. I have lately pressed this subject on my friends in the General assembly, proposing to them to endeavor to have a tax laid which shall bring into a separate chest from five to ten thousand pounds a year, to be employed first in opening the upper waters of the Ohio & Patowmac, where a little money & time will do a great deal, leaving the great falls for the last part of the work. To remove the idea of partiality I have suggested the propriety & justice of

continuing this fund till all the rivers shall be cleared successively. But a most powerful objection always arises to propositions of this kind. It is that public undertakings are carelessly managed and much money spent to little purpose. To obviate this objection is the purpose of my giving you the trouble of this discussion. You have retired from public life. You have weighed this determination & it would be impertinence in me to touch it. But would the superintendence of this work break in too much on the sweets of retirement & repose? If they would I stop here. Your future time & wishes are sacred in my eye. If it would be only a dignified amusement to you, what a monument of your retirement would it be! It is one which would follow that of your public life and bespeak it the work of the same great hand. I am confident that would you either alone or jointly with any persons you think proper be willing to direct this business, it would remove the only objection the weight of which I apprehend. Tho' the tax should not come in till the fall, it's proceeds should be anticipated by borrowing from some other fund to enable the work to be begun this summer. When you view me as not owning, nor ever having a prospect of owning one inch of land on any water either of the Patowmac or Ohio, it will tend to apologize for the trouble I have given you of this long letter, by showing that my zeal in this business is public & pure. The best atonement for the time I have occupied you will be not to add to it longer than while I assure you of the sincerity

& esteem with which I have the honour to be Dr. Sir Your most obedient & most humble servt.

P. S. The hurry of time in my former letter prevented my thanking you for your polite & friendly invitation to Mount Vernon. I shall certainly pay my respects there to Mrs Washington & yourself with great pleasure whenever it shall be in my power.

TO JAMES MADISON.[1] MAD. MSS.

ANNAPOLIS, Mar. 16. 1784.

DEAR SIR,—I received yesterday by Mr. Maury your favor of Feb. 17. That which you mention to have written by post a few days before is not yet come to hand. I am induced to this quick reply to the former by an alarming paragraph in it, which is that *Mazzei* is coming to Annapolis. I tremble at the idea. I know he will be worse to me than a return of my double quotidian head-ach. There is a resolution reported to Congress by a Committee that they will never appoint to the office of minister, chargé des affaires, consul, agent, &c. (describing the foreign emploiments) any but natives. To this I think there will not be a dissenting vote: and it will be taken up among the first things. Could you not by making him acquainted with this divert him from coming here? A *consulate* is his object, in which he will assuredly fail. But his coming will be attended with evil. He is the violent enemy of *Franklin*, having been some time at *Paris*, from my knowledge of the man I am sure he will have employed himself in collecting on

[1] Parts in italic are in cipher.

the spot facts true or false to *impeach* him. You know there are people here who, on the first idea of this will take him to their bosom & turn all Congress topsy turvy. For God's sake then save us from this confusion if you can.

We have eight states only & 7 of these represented by two members. Delaware & S. Carolina we lost within these two days by the expiration of their powers. The other absent states are N. York, MARYLAND & Georgia. We have done nothing and can do nothing in this condition but waste our time, temper, & spirits in debating things for days & weeks & then losing them by the negative of one or two individuals.

We have letters from Franklin & the Marq. Fayette of the 24th and 25th of Dec. They inform us that North & Fox are out, Pitt & Temple coming in, that whole nation extremely indisposed towards us, & as having not lost the idea of reannexing us, the Turks and Russians likely to be kept quiet another year, the Marquis coming to America this spring, Mr. Laurens then about sailing for America, Mr. Adams leaving England for the Hague, Mr. Jay at Bath, but returning to Paris. Our ratification tho on board two different vessels at N. York in the hands of officers as early as the 20th of Jan. did not sail thence till the 17th of Feb. on account of the ice.—I will attend to your desire about the booksellers. I am considerably mended in my health & hope a favorable change in the weather which seems to be taking place will re-establish me.

TO THE GOVERNOR OF VIRGINIA. V. S. A.
(BENJAMIN HARRISON.)

ANNAPOLIS Mar. 18. 1784

SIR,—In my letter of the 3$^{d.}$ inst I mentioned to you the gazette account of a change in the British Ministry. Just in the moment of the departure of the post we received a letter from the Marquis Fayette confirming the account of the change, and rectifying that of the vote of the Prince of Wales, the letter which had come here supposed the king a friend to the E. India bill & that the Prince voted against it. The Marquis said that the king by a special maneuvre got Fox & North committed on the fate of their bill which they carried through the commons, but his practices were disappointed in the Lords, in which latter stage the Prince voted for the bill, in opposition to his father.

Dr. Franklin's letter containing an interesting paragraph I have copied it & take the liberty of inclosing it.[1] We have had no post since that which carried my

[1] "Extract of a letter from Dr. Franklin to the President of Congress dated Passy, Dec. 25. 1783.

"With respect to the British Court we should, I think, be constantly on our guard & impress strongly upon our minds that tho' it has made peace with us, it is not in truth reconciled either to us or to its loss of us; but still flatters itself with hopes that some change in the affairs of Europe or some disunion among ourselves may afford them an opportunity of recovering their dominion, punishing those who have most offended, and securing our future dependence. It is easy to see by the general turn of the ministerial newspapers (light things indeed as straws & feathers, and like them they show which way the wind blows,) and by the malignant improvement their ministers make in all the foreign courts of every little accident or dissension among us, the riot of a few soldiers at Philadelphia, the resolves of some town meetings, the reluctance to pay taxes &c &c all which are exaggerated to represent our governments as so many anarchies of which the people themselves are weary, the Congress as having lost its influence, being no longer respected. I say it is easy from this

letter of the 3d. nor are we certain when to expect one. I am therefore obliged to have letters in readiness, to send the moment of his coming as he does not tary above an hour here. Hence it happens that my letters are sometimes a week or a fortnight old before they leave the post office.

P. S. The Marquis Fayette is coming out this spring. Mr. Laurens is supposed to be on his way to America, Mr. Adams left England for the Hague & Mr. Jay at Bath but about to return to Paris.

RESOLVES ON EUROPEAN TREATIES.[1] J. MSS.

[March, 1784.]

Resolved that treaties of Amity & commerce with the European nations ought not to be refused on our part until those nations will send ministers to negotiate them within these states: nor ought they to be delayed until they shall have previously been submitted to the several legislatures & received their approbation.

1. Because it is not to be expected that the nations of Europe, antient & established as they are, will cross the Atlantic to treat with us on our own ground:

2. Because a refusal to treat with them in Europe amounts to a refusal to treat with them at all; to the suppression of every

conduct to see that they bear us no good will, & that they wish the reality of what they are pleased to imagine. They have too numerous a royal progeny to provide for, some of whom are educated in the military line. In these circumstances we cannot be too careful to preserve the friendships we have acquired abroad, & the Union we have Established at home, to secure our credit by a punctual discharge of our obligations of every kind, & our reputation by the wisdom of our councils; since we know not how soon we may have a fresh occasion for friends & for reputation."

[1] The first notice of this subject is in the *Secret Journals of Congress*, March 26, 1784, when the report of a committee, consisting of Jefferson, Gerry, and Williamson, was taken into consideration by Congress. These resolutions were probably prepared in connection with that report.

The COMMITTEE to whom was recommitted the Report of a PLAN for a temporary Government of the WESTERN TERRITORY, have agreed to the following RESOLUTIONS.

RESOLVED,

THAT so much of the territory ceded, or to be ceded by individual states, to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each state shall comprehend from ~~south to~~ north *to South* two degrees of latitude, beginning to count from the completion of ~~thirty-one~~ *forty-five* degrees north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the Great Kanhaway. But the territory eastward of this last meridian, between the Ohio, lake Erie, and Pennsylvania, shall be one state, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the state adjoining it on the south, and that part of the Ohio which is between the same meridians, coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their state, to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states; so that such laws nevertheless shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties ~~or~~ *or other divisions* townships for the election of members for their legislature.

That ~~such temporary government shall only continue in force in any state, until it~~ *when any such state* shall have acquired twenty thousand free inhabitants; ~~when~~ giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place to call a convention of representatives to establish a permanent constitution and government for themselves.

Provided that both the temporary and permanent governments be established on these principles as their basis. 1. That they shall for ever remain a part of this confederacy of the United States of America. 2. That ~~in their persons, property and territory~~ they shall be subject ~~to the government of the United States in Congress assembled, and~~ to the articles of confederation in all those cases in which the original states shall be so subject. *and to all the acts & ordinances of Congress made conformable thereto* *3. That they in no case interfere with the primary disposal of the ~~vacant lands~~ soil by the U. S. in Congress ~~assembled~~ nor with the ordinances & regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers.* 4. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other states. *5. That no tax shall be imposed on lands the property of the U. S.* *6. That the lands of non-resident proprietors shall in no case be taxed higher than those of residents within any new state before the admission thereof to a vote by its delegates in Congress* [illegible] ~~7~~ *7*. That their respective governments shall be ~~in~~ republican ~~forms, and shall admit no person to be a citizen who holds any hereditary title. 5. That after the year 1800 of the christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted to have been personally guilty.~~

That whensoever any of the said states shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original states, such states shall be admitted by it's delegates into the Congress of the United States, on an equal footing with the said original states; Provided ~~nine states agree to such admission, according to the reservation of the eleventh of the articles of confederation.~~ *the consent of so many states in Congress is first obtained as may at the time be competent to such admission.* And in order to adapt the said articles of confederation, to the state of Congress, when its numbers shall be thus encreased, it shall be proposed to the legislatures of the states originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein by the said articles, the assent of nine states is now required; which being agreed to by them, shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary government, shall have authority to keep a ~~sitting~~ member in Congress, with a right of debating, but not of voting.

That ~~such~~ measures ~~as may~~ ~~[illegible]~~ not inconsistent with the principles of the Confederation & necessary for the preservation of peace & good order among the settlers in any of the said new states until they shall assume a temporary government as aforesaid may from time to time be taken by the U. S. in Congress assembled.

That the preceding articles shall be formed into a charter of compact, shall be duly executed by the president of the United States in Congress assembled, under his hand and the seal of the United States, shall be promulgated, and shall stand as fundamental constitutions between the thirteen original states, and each of the several states now newly described, unalterable *from & after the sale of any part of the territory of such state pursuant to this resolve* but by the joint consent of the United States in Congress assembled, and of the particular state within which such alteration is proposed to be made.

Apr 23 1784 Passed in Congress by the votes of ten states out of eleven present

effort for the admission of our citizens into their ports on an equal footing with those of other countries ; to a continuance of the occlusion of the West Indian markets against the produce of these states ; loses a crisis of favourable disposition in the European powers in general to enter into connections of amity and commerce with us ; endangers the loss of a proffered treaty from the Emperor of Morocco who has made us friendly advances whose honour will be touched and resentment kindled by our declining to meet them ; and whose power & connections may, in our present unarmed state, shut to us the ports of the Mediterranean, oblige us to send our commodities to them in foreign bottoms, or to seek them in our own at the risk of consigning our citizens to perpetual slavery & chains.

3. Because the federal constitution does not require that treaties, before their conclusion, should be communicated to the thirteen legislatures, and should receive all their several approbations, and such a delay in the present instance would be unseasonable & injurious to them ; would protract the negotiations to a length indefinite both in time & expence ; would leave our citizens in the mean time exposed to all the evils before stated ; would be more distressing to these states, whose channels of commerce are yet to be opened, than to the nations constituting the other parties, who may in the mean time pursue their antient & long established trade ; and might suffer opportunities finally to pass by which might never be recalled.

REPORT OF GOVERNMENT FOR THE WESTERN TERRITORY.[1]

C.C.

[March 22, 1784.]

The Committee to whom was recommitted the report of a plan for a temporary government of the Western territory have agreed to the following resolutions.

Resolved, that so much of the territory ceded or to be ceded

[1] Endorsed "Report on Western Territory. Delivered 22 March, 1784. Read. Wednesday 24 assigned for consideration."

The original report of a temporary ordinance (see *ante*, p. 407) not satisfying Congress, it was recommitted to the original committee for amendment, and the

by individual states to the United States as is already purchased or shall be purchased of the Indian inhabitants & offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit ; that is to say, by parallels of latitude, so that each state shall comprehend from South to North two degrees of latitude beginning to count from

above was by them reported to Congress. It was considered on April 19, 21, and 23, 1784, when, after amendment, it was adopted, by the vote of every state but one. The report was at once printed as :

The Committee to whom was recommitted the Report of a / Plan for a temporary Government of the Western Ter- / ritory having agreed to the following resolutions. / Folio. Broadside.

The ordinance as adopted was printed with the title of :

By the United States in Con- / gress assembled. / April 23, 1784. / Folio. 2 leaves.

Next to the Declaration of Independence (if indeed standing second to that), this document ranks in historical importance of all those drawn by Jefferson ; and, but for its being superseded by the "Ordinance of 1787," would rank among all American state papers immediately after the National Constitution. Its importance has already been commented upon in the introduction. That it contains practically every provision which has made the later ordinance famous, has been carefully overlooked by those who have desired to give the credit of them to Northerners. Still more have these special pleaders suppressed the fact that Jefferson proposed to interdict slavery in all the western territory and not merely in the northwest territory as the Ordinance of 1787 did. Had it been adopted as Jefferson reported it, slavery would have died a natural death, and secession would have been impossible.

There is another reason, however, for the little reputation this paper has brought to Jefferson, aside from the studious suppression of its importance by the special pleaders of New England. This plan, with its limitation of slavery, though failing by only one vote of adoption in 1784, was unpopular at the South and increasingly so as slavery became more and more profitable and more and more a Southern institution. As early as 1790 Jefferson's partizans were already his apologists for this document, and from that time Jefferson carefully avoided any public utterance on slavery. This change of attitude is alone sufficient explanation why Southerners acquiesced with the Northerners in the suppression of this paper, and of Jefferson's drafting of it. In Jefferson's memoranda of the services which he took pride in having rendered his country, written in 1800, he carefully omitted all mention, as also in his autobiography, written in 1821. And thus it has been left to the Massachusetts orators to glorify King, Dane, and Cutler for clauses in the Ordinance of 1787, which the latter had in truth but taken from the Ordinance of 1784, and which they made sectional, where Jefferson had made them national.

the completion of thirty-one degrees North of the Equator ; and by meridians of longitude, one of which shall pass thro' the lowest point of the rapids of Ohio, and the other through the Western Cape of the mouth of the Great Kanhaway, but the territory Eastward of this last meridian, between the Ohio, Lake Erie, & Pennsylvania shall be one state, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree between the sd. meridians shall make part of the state adjoining it on the South, and that part of the Ohio which is between the same meridians coinciding nearly with the parallel of 39°shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased & offered for sale shall, either on their own petition, or on the order of Congress, receive authority from them with appointments of time & place for their free males of full age, within the limits of their state to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states, so that such laws nevertheless shall be subject to alteration by their ordinary legislature ; & to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any state until it shall have acquired 20,000 free inhabitants, when giving due proof thereof to Congress, they shall receive from them authority with appointment of time & place to call a convention of representatives to establish a permanent Constitution & Government for themselves. Provided that both the temporary & permanent governments be established on these principles as their basis. 1. That they shall forever remain a part of this confederacy of the United States of America. 2. That in their persons, property & territory they shall be subject to the Government of the United States in Congress assembled, & to the articles of Confederation in all those cases in which the original states shall be so subject. 3. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule & measure, by which apportionments

thereof shall be made on the other states. 4. That their respective Governments shall be in republican forms and shall admit no person to be a citizen who holds any hereditary title. 5. That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the sd states, otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty.

That whensoever any of the sd states shall have, of free inhabitants, as many as shall then be in any one the least numerous, of the thirteen original states, such state shall be admitted by it's delegates into the Congress of the United States on an equal footing with the said original states: provided nine States agree to such admission according to the reservation of the 11th of the articles of Confederation, and in order to adopt the sd articles of confederation to the state of Congress when it's numbers shall be thus increased, it shall be proposed to the legislatures of the states originally parties thereto, to require the assent of two thirds of the United States in Congress assembled in all those cases wherein by the said articles the assent of nine states is now required; which being agreed to by them shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states after the establishment of their temporary government shall have authority to keep a sitting member in Congress, with a right of debating, but not of voting.

That the preceding articles shall be formed into a charter of compact, shall be duly executed by the president of the United States in Congress assembled, under his hand & the seal of the United States, shall be promulgated & shall stand as fundamental constitutions between the thirteen original states and each of the several states now newly described, unalterable but by the joint consent of the United States in Congress assembled, & of the particular state within which such alteration is proposed to be made.

That measures not inconsistent with the principles of the Confedn. & necessary for the preservation of peace & good order among the settlers in any of the said new states until they shall assume a temporary Government as aforesaid, may from time to time be taken by the U S in C. assembled

REPORT ON CESSION OF WESTERN TERRITORY.[1] c. c.

March 22, 1784.

The Report of a Committee on the Subject of Western territory having been referred to the Grand committee they have had the same under their consideration and agreed to the following report.

Congress by their resolution of Sep. 6. 1780, having thought it adviseable to press upon the states having claims to the Western country a liberal surrender of a portion of their territorial claims, by that of the 10th of Oct. in the same year having fixed ~~the~~ conditions to which the Union should be bound on receiving such cessions: and having again proposed the same subject to those states in their address of April 1783, wherein, stating the National debt ~~& it's annual interest, they recommended for the discharge of the interest the plan of an impost on commerce now under consideration with the states, with such subsidiary funds as they might judge most convenient, & for the discharge of the principal~~ & expressing ~~some~~ their reliance for its discharge ~~on other resources but chiefly~~ on the prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies & confusions included in the same recommendation a renewal of those of Sep. the 6th & of Oct. the 10th 1780. which several recommendations have not yet been finally complied with.

Resolved, that the same subject be again presented to the attention of the said states, that they be urged to consider that the war being now brought to a happy termination by the personal services of our souldiers, the supplies of property by our citizens, & loans of money from them as well as from foreigners, these several creditors have a right to ~~call for a precise designation of the funds~~ expect that funds shall be provided on which they ~~are to~~ may rely for indemnification; that Congress still consider vacant territory as ~~the~~ a capital resource; that this too is the time when our Confederacy with all the territory included within it's limits should assume it's ultimate and permanent form; & that therefore the sd states be earnestly pressed by immediate & liberal cessions to

[1] Endorsed "Report of grand Comee delivered March 22, 1784. Monday 29 assigned for consideration."

forward these necessary ends, & to remove those obstacles which disturb the harmony of the Union, which embarrass it's councils & obstruct its operations.

REPORT ON THE ARREARS OF INTEREST.[1] c. c.

[March 22, 1784]

The Grand Committee consisting of

appointed to prepare and report to Congress the arrears of interest on the National debt, together with the interest and expences for the year 1784 from the first to the last day thereof inclusive and a requisition of Money on the States for discharging the same, have agreed to the following report.

Resolved that there will be wanting for arrears of interest, and for the interest & services of the present year 1784, from the

[1] There is no record of the appointment of this committee, which consisted of Jefferson, Foster, Partridge, Howell, Sherman, Beatty, Montgomery, Tilton, Chase, Spaight, and Read. The report was considered by Congress April 5, 12, 22, and 27, 1784; and, after material amendment, was adopted April 28, 1784. In the *Jefferson MSS.* (5th, II.) is a rough draft of this report, in Jefferson's handwriting, and this fair copy, which was presented to Congress, is also written by him.

This report was at once printed as a broadside (*cf.* Ford's *Bibliography of the Continental Congress*), with the title:

The Grand Committee consisting of [blank] / appointed to prepare and report to Congress, the arrears of interest on the national / debt, together with the interest and expenses for the year 1784, from the first to the last / day thereof inclusive, and a requisition of money on the states for discharging the / same, have agreed to the following Report: / Folio. Broadside.

The report as adopted was printed as:

The United States in Congress assembled / April 27, 1784. / Folio. Broadside.

The / United States / in / Congress assembled, / April 27, 1784. / Congress resumed the considera- / tion of the report to the Grand / Committee appointed to pre- / pare and report to Congress, the arrears / of Interest on the national debt, toge- / ther with the expenses for the year / 1784, from the first to the last day / thereof inclusive, and a requisition of / money on the States for maintaining the / same, which being amended to read as follows: / ..... / [colophon.] Boston: Printed by Adams and Nourse. / By Order of the Honourable House of Representatives. / M,DCC,LXXXIV. / 8vo. pp. 12.

first to the last day thereof inclusive, the following sums expressed in Dollars, tenths and hundredths of Dollars.

			Rate.		
		The Civil department		107,525.33	
		The Military department		200,000	
		The Marine department		30,000	
		Purchases of Indian rights of soil & the incidental expenses		60,000	
		Contingencies		60,000	457,525.33
		Debts contracted & still unpaid for the services of 1782 and 1783		1,000,000	1,000,000
Foreign Debt.		Interest on the National debt as follows.			
	1782	Dec. 31. three years interest on the Spanish loan of $150,000	5.	22,500	22,500
	1783	Dec. 31. Spanish loan		7,500	
		Private French loans of 4. Mills. livres	5.	37,037	44,537
	1784	June 1. Dutch loan of 1,800,000 Florins	5.	35,000	
		Sep. 3. Public French loan of 24. Mills. livres	5.	222,000	
		Nov. 5. Dutch loan of 10 Mills. livres guarantd. by France		74,074	
		Dec. 31. Spanish loan		7,500	
		Private French loans		37,037	375,611
Domestic Debt.	1782	Dec. 31.			
		Loan office debt 11,473,802.26	6	1,184,176	
		Liquidated debt 701,404.	6	21,042	
		Army debt 5,635,618.	6	676,272	
				1,881,490	
		Deduct the requisition of Sep. 1, 1782		1,200,000	681,490
	1783	Dec. 31. Loan office debt		749,050	
		Liquidated debt		42,084	
		Unliquidated debt of 8. Mills. doll. suppose $\frac{1}{3}$ non liquidated	6	160,000	
		Army debt		338,136	1,289,270
	1784	Dec. 31. Loan office debt		749,050	
		Liquidated debt		42,084	
		Unliquidated debt, suppose the whole non liquidated		481,000	
		Army debt		338,136	1,609,270

The Committee were apprized that the resolutions of Congress of Apr. the 18th 1783. had recommended to the several states the

raising an annual revenue by the establishment of certain imposts for the purpose of discharging the national debt, principal and interest. But it occurred to them that those recommendations were still before several of the legislatures; that however desirable a compliance therewith is for the preservation of our faith, & establishment of a National Credit, yet as time had already elapsed, and more must elapse before their final confirmation can be hoped at; after it shall be obtained time will also be requisite to advance the plan to the term of actual collection, good faith requires that in the mean while other measures should be resorted to for the purpose of discharging the growing interest.

In the statement of the interest due at the close of the year 1782, the Committee have supposed its amount lessened by 1,200,000 dollars required & apportioned by the resolutions of Congress of Sep. the 4th and 10th 1782, & appropriated to the sole purpose of paying the interest of the public debt. This requisition gave license to the states to apply so much as should be necessary of their respective quotas of it, to the payment of interest due on certificates issued from the loan office of their own states, & other liquidated debts of the United States contracted therein. Hence they suppose it has happened that the actual payment of these quotas have been uncommunicated to the Office of finance for the United States. The Committee are of opinion that the states should be desired to communicate to the Superintendant of finance the payments they have made under this requisition, & where they have been incomplete to hasten their completion as the means still relied on by Congress for the discharge of that part of the interest of the public debt. And while on this subject they beg leave to add that from the representation to Congress by the Minister of France, referred to this Committee they learn that in some of the states a discrimination has taken place between the citizens of their own & subjects or citizens of other Countries, which was not authorized by the said resolution: they are of opinion that such states should be requested to revise & reform their proceedings herein; and to extend the benefits of this provision equally and impartially to all persons within it's description.

Your Committee came then to consider in what way it would

be best to call for the sums requisite for the services before stated. And they thought it their duty in the first place to enquire whether no surpluses might remain on former requisitions of Congress after ~~effecting fully~~ the purposes were effected to which they were originally appropriated; under an assurance that it would be both the duty and sense of Congress to apply such surpluses, in every instance, towards lessening the next requisitions on the states. They found in fact that such a surplus would remain on the requisition of Oct. 30. 1781, for eight millions of Dollars for the services of the ensuing year; and that this surplus would be great from the following circumstances. That requisition was estimated on supposition that the Continental army would be completed by the states to it's full establishment, and that cloathing, subsistence & other necessaries for such an army must of course be provided. The states were far short of producing such an army. Hence the calls for money were proportionably abridged. It was estimated too on the further supposition that we might be disappointed in the endeavors we were then exerting to borrow money both at home & abroad, and of course that the whole must be supplied by taxes. Loans however were obtained and the surplus increased by this second cause. A third circumstance has further enlarged it. The payments on this requisition have been small & slow. Hence, instead of money, those who served & supplied the United States have received certificates only that money is due to them, and these debts have been transferred to the fund proposed to be raised by way of impost. So that tho' the debts exist, they are removed from this to another fund. To know then the amount of this surplus, the Committee extended their enquiries to the sums actually received under this requisition, the purposes to which they have been applied, and the anticipations thereof still unsatisfied. They found that 1,486,511.71 only of the eight millions of Dollars had been received at the treasury at the close of the year 1783: that these had been applied to the services of the years 1782. & 1783: and that for other services of the same years debts were contracted to the amount of about one million of dollars more, which depend for their discharge on further receipts under this requisition. Your Committee then are of

opinion that a surplus of 5,513,488.28 Dollars will remain of this requisition after answering all the demands which actually rose against it, which were not answered by other Means, nor transferred to other funds: and that this surplus ought to be applied so far as it will go, to the common purposes of the United States, so as to prevent new requisitions on them till the old shall have been exhausted, and to shew to those who may have paid their whole quota of any requisition that they will not be called on anew till all the other states shall in like manner have paid up their quotas.

Your Committee found also that there was a requisition of Congress of Oct. 16, 1782. for 2. Millions of Dollars for the Services of the year 1783, on which some small payments had been tendered, but that the Superintendant of finance had found it better to receive and credit them as part of the eight millions. They are accordingly comprehended in the sum before stated to have been paid in under that head.

Having thus stated the demands existing against the states, the Committee would have performed but half their duty had they passed over unnoticed their condition to pay them. Their abilities must be measured in weighing their burthens. Their creditors themselves will view them, just relieved from the ravages of predatory armies, returning from an attendance on camps to the culture of their fields, beginning to sow, but not having reaped, exhausted of necessaries & habitual comforts and therefore needing new supplies out of the first proceeds of their labour. Forbearance then, to a certain degree will suggest itself to them. Those entrusted with the dispensation of justice between them will suppose both parties desirous that their mutual situations should be considered & accommodated. Your Committee are of opinion that if the whole balances of the two requisitions of eight and of two millions should be rigorously called into payment within the course of the present year, a compliance with such call would produce much distress; and that some term short of this should be fixed on, within the reach of the least as well as of the most able states. They propose therefore that the states be required to furnish within the course of the present year such part of their deficiencies under the requisition of 8 millions, as, with

their payments to the close of the last year, will make up three fourths of their original quota thereof: and that these payments be appropriated to the services of the present year 1784, in conformity with the statement in the first part of this report, giving generally, where accommodation cannot be effected among the several objects, a preference according to the order in which they are arranged in the sd statement.

But while this proportion of the former deficiencies is of necessity called for under the pressure of demands which will admit neither denial nor delay, the Committee must acknowledge that even the punctual compliance expected from all the states will not effect completely all the purposes of their preceding statement. To accomplish these perfectly; to enable the federal administration to fulfil the whole of those just & desirable objects, they wish earnestly & warmly to encourage the abler states to go as far beyond this proposition as their happier situation will admit, under an assurance that their further contributions will be applied towards reducing the interest & principal of the public debt, & will be placed to their credit in the next requisitions, with interest thereon from the time of payment.

Individual states have at times thought it hard that while, in their own opinion, they were in advance for the United States on accounts existing & unsettled between them, they should yet be called on to furnish actual contributions of Money. ~~Your~~ The Committee observe in answer to this, first, that almost every state thinks itself in advance: and secondly that it has been the constant wish of Congress that these accounts should be settled, & the contributions of each be known & credited. They have accordingly put it in the power of the states to effect these settlements: and as a further encouragement to hasten this desirable work, the Committee are of opinion Congress should declare that so soon as these accounts shall be all settled, and it shall appear in favor of what states balances arise, such states shall have credit for the same in the requisitions next ensuing.

But it will be necessary also to remind the states that no materials have yet been furnished to enable Congress to adjust the ultimate ratio in which the expenditures of the late war shall be apportioned on the states. The Confederation directs that this

shall be regulated by the value of the lands in the several states with the buildings & improvements thereon. Experiments made however since the date of that instrument for the purposes of ordinary taxation had induced doubts ~~both~~ as to the practicability of this rule of apportionment ~~and of it's equality apportionable~~. Yet Congress thought it their duty to give it fair trial, and recommended to the several states on the 17th of Feb. 1783. to furnish an account of their lands buildings & number of inhabitants, whereon they might proceed to estimate their respective quotas. But apprehending that the incompetence of the rule would immediately shew itself, and desirous that no time should be unnecessarily lost, they followed it with another recommendation of the 18th. of Apr. 1783. to substitute in lieu of that article in the Confederation another which should make the number of inhabitants, under certain modifications, the measure of contribution for each state. Both these propositions are still under reference to the several legislatures ; the latter accompanied by the earnest wishes & preference of Congress, under full conviction that it will be found in event ~~the most~~ as equal, ~~the most~~ more satisfactory, & ~~most~~ more easy of execution : the former only pressed if the other should be rejected. The Committee is informed that the states of Connecticut, New Jersey, Pensylvania & S. Carolina have acceded to the alteration proposed ; but have no evidence that the other states have as yet decided thereon. As it is necessary that the one or the other measure should be immediately resorted to, they are of opinion it should be recommended to the legislatures which have not yet decided between them, to come to decision at their next meeting.

In order to present to the eye a general view of the several existing requisitions & of the payments made under them, the Committee has subjoined them in the form of a table, wherein the 1st. column enumerates the states : the 2d. the apportionment of the D1.200.000 : the 3d. that of the 8. millions : the 4th. that of the 2. millions : the 5th. the sums paid by the several states in part of their respective quotas to the last day of the year 1783 : and the 6th. the sums now required to made up three fourths of their respective quotas of the 8. millions expressd. in Dollrs. 10ths. & 100ths. of Doll.

	Apportionment of the 1.200.000 Dollars.	Apportionment of the 8.	Apportionment of the 2.	Paid of the 8 before Dec. 31, 1783.	Sums now required to make ¾ of the 8.
New Hamphshire....	48.000	373.598	80.000	3.000	277.198. 5
Massachusetts.....	192.000	1.307.596	320.000	247.676.66	733.020.33
Rhode island..... ..	28.000	216.684	48.000	67.847.95	94.655.04
Connecticut.....	133.200	747.196	222.000	131.577.83	428.819.25
New York.....	54.000	373.598	90.000	39.064. 1	241.134. 4
New Jersey.....	66.000	485.679	110.000	102.004.95	262.254. 3
Pennsylvania.....	180.000	1.120.794	300.000	346.632.98	493.962.51
Delaware.....	16.800	112.085	28.000	.....	84.063.75
Maryland.....	132.000	933.996	220.000	89.302.11	611.194.88
Virginia.....	174.000	1.307.594	290.000	115.103.53	865.591.54
N. Carolina.....	88.800	622.677	148.000	.....	467.009.75
S. Carolina.....	72.000	373.598	120.000	344.301.57	.....
Georgia.....	14.400	24.905	24.000	.....	18.678.75
	1.200.000	8.000.000	2.000.000	1.486.511.71	4.577.591.02

It remained lastly to consider whether no facilities might be given to the paiment of these sums by the several states. The Committee observed that of the purposes for which money is wanting, about a moiety can be answered by nothing but money itself; but that the other moiety, consisting of interest on our domestic debt, may be effected by procuring a discount of the demand in the hands of the holder; an operation which will be shorter & less impoverishing to the state. And however, in times of greater plenty, the accuracy of fiscal administration might require all transactions to be in actual money, at the treasury itself; yet till our constituents shall have had some respite from their late difficulties, it behoves us to prefer their easement. The Committee are therefore of opinion that the several legislatures may be admitted so to model the collection of the sums now called for as that, the one half being paid in actual money, the other may be discharged by procuring discounts of interest with our domestic creditors; only taking care that the collection of money shall

proceed at least in equal pace with the operations of discount. And to ascertain the evidence of discount which shall be receivable in lieu of money, the holders of loan office certificates shall be at liberty to carry them to the office from which they issued; and the holders of certificates of other liquidated debts of the United States, to carry the same to the loan office of that State wherein the debt was contracted and to have the interest due thereon settled & certified to the last day of the year 1783; for which interest the loan officer shall give a certificate in such form, and under such cautions & instructions as the Superintendant of finance shall transmit to him; which certificates of interest, being parted with by the holder of the principal, shall be deemed evidence that he has received satisfaction for the same, & therefore shall be receivable from the bearer, within the same State, in lieu of money in the proportion before stated. And where loan office certificates, issued after the 1.st day of Mar. 1778, shall be presented to the loan officer, they shall be reduced to their specie value according to the resolutions of Congress of June 28, 1780. that specie value expressed on some part of the certificate, & the interest thereon settled & certified as in other cases.

TO GEORGE WASHINGTON. W. MSS.

ANNAPOLIS, Mar. 31. 1784.

DEAR SIR,—Your servant delivered me your favor this morning; Capt. Barney is gone to Philadelphia and his vessel to Baltimore, having left with me one of your packages only. The persons who brought this could give me no certain account of the other package which you suppose to have been brought. This your servant now receives.

Being obliged to seize a moment in Congress of writing you these few lines, I can only mention to you that late advices from Europe mention another revolution in the British ministry, Mr. Pitt & his friends

having resigned. No new ministry was formed. This does not come however authentically.

TO THE GOVERNOR OF VIRGINIA.[1]
(BENJAMIN HARRISON.)

ANNAPOLIS, Apr. 2, 1784.

SIR,—We have received no foreign intelligence through any authentic channel since the letter of Dr. Franklin of Dec. 25, an extract from which I formerly did myself the honour of enclosing to you. Through different ways however, such as to merit belief, we have information that the utmost confusion prevails in the British government. The House of Commons on the 16th of January came to a vote that the ministry (Mr. Pitt & his associates) neither possessed nor ought to possess the confidence of the nation. One account sais that on this Mr. Pitt resigned. Another that he had not resigned and that the doubt was whether the King would dissolve the parliament or part with his ministry. The error in the composition of the administration seems to have been the filling it from the house of lords, and taking in not enough of the men of interest and talents in the house of commons. Matters on the continent are quiet. The Emperor & Dutch have appointed commissioners to settle their differences. Whether his object was to have opened the Scheld, or whether the dispute arose about contested territory seems not very clear. I should have added to the above intelligence that the city of London were warm for Mr.

[1] From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

Pitt and had addressed the King to continue his favor to him.—Your letter from Mount Vernon came safely to hand. We have eleven states in Congress, and are applying ourselves solely to the important subjects. I am not without hopes that we shall be able by the first of May to adjourn till November. Nothing could prevent it but the loss of votes sometimes by divisions of the states, 8 of the 11 being represented by two members only, any three of the sixteen members can still defeat our endeavors, and your knowledge of men will suggest to you the possibility of 3 dissenting voices out of 16 on any question. Mr. Mercer, the corresponding member for the month will perhaps be able to supply any intelligence which may escape me.

TO GEORGE WASHINGTON. W. MSS.

ANNAPOLIS, Apr. 6, 1784.

DEAR SIR,—I am obliged to you for your query as to the distance from New York to Cuyahoga, as it occasioned my re-examination of that matter & detection of an error of 150 miles. The distances from New York to Niagara I collect from information as follows

from N. York to	Albany	164 miles
	Oneida	165
	Oswego	171
	Niagara	180
		680

From Niagara to Cuyahoga 140 this last distance I

820

collect by measuring on Hutchin's map & reducing that proportionably by the known distance from Niagara to Detroit which is 250 miles.

The public papers confirm the resignation of Mr. Pitt & his friends. A ship arrived here, & some others in Philadelphia have brought us a riddle without a key. They received their bounties & drawbacks on clearing out from London as they used to do while we were colonies without any public act authorizing it being visible. The Custom house officers tendered them, & they were not so rude as to refuse them. The prohibitory proclamation they say is eluded & connived at by government. We have 11 states in Congress & hope by the middle of May to adjourn to November. If anything prevents this it will be the representation of 8. states of the 11. by 2 members each, who frequently dividing retard business extremely.—The inclosed letter was put into my hands with a request to forward it to you.—This will be delivered you by Mons[r] de Hogendorff, a relation of Mr. Van Berchel's. A very particular acquaintance with him here has led me to consider him as the best informed man of his age I have ever seen. Nature & application seem equally to have concurred in fitting him for important business. He returns to Holland, his native country, in the summer, and cannot deny himself the satisfaction of paying his tribute of respect to you.

P. S. The Minister of France arrived here to-day. I believe he is on a tour through Virginia, but I have not yet learned when he sets out. Since writing this

I learn that the Minister has declined his tour through Virginia, but thinks to go as far as your house: perhaps within a fortnight.

NOTES ON THE ESTABLISHMENT OF A MONEY UNIT, AND OF A COINAGE FOR THE UNITED STATES.[1]

[April, 1784.]

In fixing the Unit of Money, these circumstances are of principal importance.

I. That it be of *convenient size* to be applied as a measure to the common money transactions of life.

II. That its parts and multiples be in *an easy proportion* to each other, so as to facilitate the money arithmetic.

III. That the Unit and its parts, or divisions, be *so nearly of the value of some of the known coins*, as that they may be of easy adoption for the people.

The Spanish Dollar seems to fulfill all these conditions.

I. Taking into our view all money transactions, great and small, I question if a common measure of more *convenient size* than the Dollar could be proposed. The value of 100, 1000, 10,000 dollars is well estimated by the mind; so is that of the tenth or the hundredth of a dollar. Few transactions are above or below these limits. The expediency of attending to the size of the money Unit will be evident, to any one who will consider how inconvenient it would be to a manufacturer or merchant, if, instead of the yard for measuring cloth, either the inch or the mile had been made the Unit of Measure.

[1] See Jefferson's *Autobiography* (I, 73); *Diplomatic Correspondence*, XII, 81; and Sparks' *Life of Gouverneur Morris*, I, 273.

This was printed as:

Notes / on the / Establishment / of a / Money Unit, / and of a / coinage for the United States. [Paris: 1785] 8vo. pp. 14.

It was also printed in:

Propositions respecting the Coinage / of Gold, Silver and Copper. [1785.] folio. pp. 12.

II. The most *easy ratio* of multiplication and division, is that by ten. Every one knows the facility of Decimal Arithmetic. Every one remembers, that, when learning Money-Arithmetic, he used to be puzzled with adding the farthings, taking out the fours and carrying them on; adding the pence, taking out the twelves and carrying them on; adding the shillings, taking out the twenties and carrying them on; but when he came to the pounds, where he had only tens to carry forward, it was easy and free from error. The bulk of mankind are school-boys through life. These little perplexities are always great to them. And even mathematical heads feel the relief of an easier, substituted for a more difficult process. Foreigners, too, who trade and travel among us, will find a great facility in understanding our coins and accounts from this ratio of subdivision. Those who have had occasion to convert the livres, sols, and deniers of the French; the gilders, stivers, and frenings of the Dutch; the pounds, shillings, pence, and farthings of these several States, into each other, can judge how much they would have been aided, had their several subdivisions been in a decimal ratio. Certainly, in all cases, where we are free to choose between easy and difficult modes of operation, it is most rational to choose the easy. The Financier, therefore, in his report, well proposes that our Coins should be in decimal proportions to one another. If we adopt the Dollar for our Unit, we should strike four coins, one of gold, two of silver, and one of copper, viz.:

1. A golden piece, equal in value to ten dollars:
2. The Unit or Dollar itself, of silver:
3. The tenth of a Dollar, of silver also:
4. The hundredth of a Dollar, of copper.

Compare the arithmetical operations, on the same sum of money expressed in this form, and expressed in the pound sterling and its division.

	£ s. d. qrs.	Dollars.
Addition.	8 13 11 1-2	= 38.65
	4 12 8 3-4	= 20.61
	13 6 8 1-4	= 59.26

	£ s. d. qrs.	Dollars.
Subtraction.	8 13 11 1-2	= 38.65
	4 12 8 3-4	= 20.61
	4 1 2 3-4	= 18.04

Multiplication by 8.

£	s.	d.	qrs.	Dollars.
8	13	11	1-2	= 38.65
20				8
173				$309.20
12				
2087				
4				
8350				
8				
4) 66.800				
12) 16700				
20) 1391	8			
£69	11	8		

Division by 8.

£	s.	d.	qrs.	Dollars.
8	13	11	1-2	= 8) 38.65
20				4.83
173				
12				
2087				
4				
8) 8350				
4) 1043				
12) 260	3-4			
20) 21	8	3-4		
£1	1	8	3-4	

A bare inspection of the above operations will evince the labor which is occasioned by subdividing the Unit into 20ths, 240ths, and 960ths, as the English do, and as we have done; and the ease of subdivision in a decimal ratio. The same difference arises in making payment. An Englishman, to pay £8, 13*s.* 11*d.* 1–2 qrs., must find, by calculation, what combination of the coins of his country will pay this sum; but an American having the same sum to pay, thus expressed $38.65, will know, by inspection only, that three golden pieces, eight units or dollars, six tenths, and five coppers, pay it precisely.

III. The third condition required is, that the Unit, its multiples, and subdivisions, coincide in value with some of the known coins so nearly, that the people may, by a quick reference in the mind, estimate their value. If this be not attended to, they will be very long in adopting the innovation, if ever they adopt it. Let us examine, in this point of view, each of the four coins proposed.

1. The golden piece will be 1-5 more than a half Joe, and 1-15 more than a double guinea. It will be readily estimated, then, by reference to either of them; but more readily and accurately as equal to ten dollars.

2. The Unit, or Dollar, is a known coin, and the most familiar of all, to the minds of the people. It is already adopted from

South to North? has identified our currency, and therefore happily offers itself as a Unit already introduced. Our public debt, our requisitions, and their appointments, have given it actual and long possession of the place of Unit. The course of our commerce, too, will bring us more of this than of any other foreign coin, and therefore renders it more worthy of attention. I know of no Unit which can be proposed in competition with the Dollar, but the Pound. But what is the Pound? 1547 grains of fine silver in Georgia; 1289 grains in Virginia, Connecticut, Rhode Island, Massachusetts, and New Hampshire; 1031 1-4 grains in Maryland, Delaware, Pennsylvania, and New Jersey; 966 3-4 grains in North Carolina and New York. Which of these shall we adopt? To which State give that pre-eminence of which all are so jealous? And on which impose the difficulties of a new estimate of their corn, their cattle, and other commodities? Or shall we hang the pound sterling, as a common badge, about all their necks? This contains 1718 3-4 grains of pure silver. It is difficult to familiarize a new coin to the people; it is more difficult to familiarize them to a new coin with an old name. Happily, the dollar is familiar to them all, and is already as much referred to for a measure of value, as their respective provincial pounds.

3. The tenth will be precisely the Spanish bit, or half pistereen. This is a coin perfectly familiar to us all. When we shall make a new coin, then, equal in value to this, it will be of ready estimate with the people.

4. The hundredth, or copper, will differ little from the copper of the four Eastern States, which is 1-108 of a dollar; still less from the penny of New York and North Carolina, which is 1-96 of a dollar; and somewhat more from the penny or copper of Jersey, Pennsylvania, Delaware, and Maryland, which is 1-90 of a dollar. It will be about the medium between the old and the new coppers of these States, and will therefore soon be substituted for them both. In Virginia, coppers have never been in use. It will be as easy, therefore, to introduce them there of one value as of another. The copper coin proposed will be nearly equal to three-fourths of their penny, which is the same with the penny lawful of the Eastern States.

A great deal of small change is useful in a State, and tends to reduce the price of small articles. Perhaps it would not be amiss to coin three more pieces of silver, one of the value of five-tenths, or half a dollar, one of the value of two-tenths, which would be equal to the Spanish pistereen, and one of the value of five coppers, which would be equal to the Spanish half-bit. We should then have five silver coins, viz.:

1. The Unit or Dollar :

2. The half dollar or five-tenths :

3. The double tenth, equal to 2, or one-fifth of a dollar, or to the pistereen :

4. The tenth, equal to a Spanish bit :

5. The five copper piece, equal to .5, or one-twentieth of a dollar, or the half-bit.

The plan reported by the Financier is worthy of his sound judgment. It admits, however, of objection, in the size of the Unit. He proposes that this shall be the 1440th part of a dollar : so that it will require 1440 of his units to make the one before proposed. He was led to adopt this by a mathematical attention to our old currencies, all of which this Unit will measure without leaving a fraction. But as our object is to get rid of those currencies, the advantage derived from this coincidence will soon be past, whereas the inconveniences of this Unit will forever remain, if they do not altogether prevent its introduction. It is defective in two of the three requisites of a Money Unit. 1. It is inconvenient in its application to the ordinary money transactions. 10,000 dollars will require eight figures to express them, to wit, 14,400,000 units. A horse or bullock of eighty dollars value, will require a notation of six figures, to wit, 115,200 units. As a money of account, this will be laborious, even when facilitated by the aid of decimal arithmetic : as a common measure of the value of property, it will be too minute to be comprehended by the people. The French are subjected to very laborious calculations, the Livre being their ordinary money of account, and this but between 1-5th and 1-6th of a dollar ; but what will be our labors should our money of account be 1-1440th of a dollar ? 2. It is neither equal, nor near to any of the known coins in value.

If we determine that a Dollar shall be our Unit, we must then say with precision what a Dollar is. This coin, struck at different times, of different weights and fineness, is of different values. Sir Isaac Newton's assay and representation to the Lords of the Treasury, in 1717, of those which he examined, make their values as follows :

	dwts. grs.		
The Seville piece of eight . .	17—12	containing	387 grains of pure silver
The Mexico piece of eight . . .	17—10 5-9	"	385 1-2
The Pillar piece of eight . .	17—9	"	385 3-4
The new Seville piece of eight .	14—	"	308 7-10

The Financier states the old Dollar as containing 376 grains of fine silver, and the new 365 grains. If the Dollars circulating among us be of every date equally, we should examine the quantity of pure metal in each, and from them form an average for our Unit. This is a work proper to be committed to mathematicians as well as merchants, and which should be decided on actual and accurate experiment.

The quantum of alloy is also to be decided. Some is necessary to prevent the coin from wearing too fast ; too much, fills our pockets with copper, instead of silver. The silver coin assayed by Sir Isaac Newton, varied from 1 1-2 to 76 pennyweights alloy, in the pound troy of mixed metal. The British standard has 18 dwt.; the Spanish coins assayed by Sir Isaac Newton have from 18 to 19 1-2 dwt. ; the new French crown has in fact 19 1-2, though by edict, it should have 20 dwt., that is 1-12.

The taste of our countrymen will require, that their furniture plate should be as good as the British standard. Taste cannot be controlled by law. Let it then give the law, in a point which is indifferent to a certain degree. Let the Legislature fix the alloy of furniture plate at 18 dwt., the British standard, and Congress that of their coin at one ounce in the pound, the French standard. This proportion has been found convenient for the alloy of gold coin, and it will simplify the system of our mint to alloy both metals in the same degree. The coin, too, being the least pure, will be the less easily melted into plate. These reasons are light, indeed, and, of course, will only weigh, if no heavier ones can be opposed to them.

The proportion between the values of gold and silver is a mercantile problem altogether. It would be inaccurate to fix it by the popular exchanges of a half Joe for eight dollars, a Louis for four French crowns, or five Louis for twenty-three dollars. The first of these would be about the Spanish proportion between gold and silver; the second, the French; the third, a mere popular barter, wherein convenience is consulted more than accuracy. The legal proportion in Spain is 16 for 1; in England, 15 1-2 for 1; in France, 15 for 1. The Spaniards and English are found, in experience, to retain an over-proportion of gold coins, and to lose their silver. The French have a greater proportion of silver. The difference at market has been on the decrease. The Financier states it at present, as at 14 1-2 for one. Just principles will lead us to disregard legal proportions altogether; to enquire into the market price of gold, in the several countries with which we shall principally be connected in commerce, and to take an average from them. Perhaps we might, with safety, lean to a proportion somewhat above par for gold, considering our neighborhood, and commerce with the sources of the coins, and the tendency which the high price of gold in Spain has, to draw thither all that of their mines, leaving silver principally for our and other markets. It is not impossible that 15 for 1, may be found an eligible proportion. I state it, however, as a conjecture only.

As to the alloy for gold coin, the British is an ounce in the pound; the French, Spanish, and Portuguese differ from that, only from a quarter of a grain, to a grain and a half. I should, therefore, prefer the British, merely because its fraction stands in a more simple form, and facilitates the calculations into which it enters.

Should the Unit be fixed at 365 grains of pure silver, gold at 15 for 1, and the alloy of both be one-twelfth, the weight of the coins will be as follows:

	Grains.	Grains.	dwt. Grains.
The Golden piece containing	242 1-3 of pure metal,	22.12 of alloy, will weigh	11—1.45
The Unit or Dollar	365	33.18	16—14.18
The half dollar, or five tenths,	182 1-2	16.59	8—7.09
The fifth, or Pistereen,	73	6.63	3—7.63
The tenth, or Bit,	36 1-2	3.318	1—15.818
The twentieth, or half Bit,	18 1-4	1.659	19.9

The quantity of fine silver which shall constitute the Unit, being settled, and the proportion of the value of gold to that of silver ; a table should be formed from the assay before suggested, classing the several foreign coins according to their fineness, declaring the worth of a pennyweight or grain in each class, and that they shall be lawful tenders at those rates, if not clipped or otherwise diminished ; and, where diminished, offering their value for them at the mint, deducting the expense of re-coinage. Here the Legislatures should co-operate with Congress, in providing that no money be received or paid at their treasuries, or by any of their officers, or any bank, but on actual weight ; in making it criminal, in a high degree, to diminish their own coins, and, in some smaller degree, to offer them in payment when diminished.

That this subject may be properly prepared, and in readiness for Congress to take up at their meeting in November, something must now be done. The present session drawing to a close, they probably would not choose to enter far into this undertaking themselves. The Committee of the States, however, during the recess, will have time to digest it thoroughly, if Congress will fix some general principles for their government. Suppose they be instructed,

To appoint proper persons to assay and examine, with the utmost accuracy practicable, the Spanish milled dollars of different dates, in circulation with us.

To assay and examine, in like manner, the fineness of all the other coins which may be found in circulation within these States.

To report to the Committee the result of these assays, by them to be laid before Congress.

To appoint, also, proper persons to enquire what are the proportions between the values of fine gold, and fine silver, at the markets of the several countries with which we are, or probably may be, connected in commerce ; and what would be a proper proportion here, having regard to the average of their values at those markets, and to other circumstances, and to report the same to the Committee, by them to be laid before Congress.

To prepare an Ordinance for establishing the Unit of Money

within these States ; for subdividing it ; and for striking coins of gold, silver, and copper, on the following principles :

That the Money Unit of these States shall be equal in value to a Spanish milled dollar containing so much fine silver as the assay, before directed, shall show to be contained, on an average, in dollars of the several dates in circulation with us.

That this Unit shall be divided into tenths and hundredths ; that there shall be a coin of silver of the value of a Unit ; one other of the same metal, of the value of one-tenth of a Unit ; one other of copper, of the value of the hundredth of a Unit.

That there shall be a coin of gold of the value of ten Units, according to the report before directed, and the judgment of the Committee thereon.

That the alloy of the said coins of gold and silver, shall be equal in weight to one-eleventh part of the fine metal.

That there be proper devices for these coins.

That measures be proposed for preventing their diminution, and also their currency, and that of any others, when diminished.

That the several foreign coins be described and classed in the said Ordinance, the fineness of each class stated, and its value by weight estimated in Units and decimal parts of Units.

And that the said draught of an Ordinance be reported to Congress at their next meeting, for their consideration and determination.

April 1784.

Supplementary Explanations.

The preceding notes having been submitted to the consideration of the Financier, he favored me with his opinion and observations on them, which render necessary the following supplementary explanations.

I observed, in the preceding notes, that the true proportion of value between gold and silver was a mercantile problem altogether, and that, perhaps, fifteen for one, might be found an eligible proportion. The Financier is so good as to inform me, that this would be higher than the market would justify. Confi-

dent of his better information on this subject, I recede from that idea.[1]

He also informs me, that the several coins, in circulation among us, have been already assayed with accuracy, and the result published in a work on that subject. The assay of Sir Isaac Newton had superseded, in my mind, the necessity of this operation as to the older coins, which were the subject of his examination. This later work, with equal reason, may be considered as saving the same trouble as to the latter coins.

So far, then, I accede to the opinions of the Financier. On the other hand, he seems to concur with me, in thinking his smallest fractional division too minute for a Unit, and, therefore, proposes to transfer that denomination to his largest silver coin, containing 1000 of the units first proposed, and worth about 4s. 2d. lawful, or 25-36 of a Dollar. The only question then remaining between us is, whether the Dollar, or this coin, be best for the Unit. We both agree that *the ease of adoption with the people*, is the thing to be aimed at.

1. As to the Dollar, events have overtaken and superseded the question. It is no longer a doubt whether the people can adopt it with ease; they have adopted it, and will have to be turned out of that, into another tract of calculation, if another Unit be assumed. They have now two Units, which they use with equal facility, viz., the Pound of their respective State, and the Dollar. The first of these is peculiar to each State: the second, happily, common to all. In each State, the people have an easy rule of converting the pound of their State into dollars, or dollars into pounds; and this is enough for them, without knowing how this may be done in every State of the Union. Such of them as live near enough the borders of their State to have dealings with their neighbors, learn also the rule of their neighbors; thus, in Virginia and the Eastern States, where the dollar is 6s. or 3-10 of a pound,

[1] In a newspaper, which frequently gives good details in political economy, I find, under the Hamburgh head, that the present market price of Gold and Silver is, in England, 15.5 for 1: in Russia, 15: in Holland, 14.75: in Savoy, 14.6: in France, 14.42: in Spain, 14.3: in Germany, 14.155: the average of which is 14.675 or 14 5-8. I would still incline to give a little more than the market price for gold, because of its superior convenience in transportation.—*T. J.*

to turn pounds into dollars, they multiply by 10 and divide by 3. To turn dollars into pounds, they multiply by 3, and divide by 10. Those in Virginia who live near to Carolina, where the dollar is 8s. or 4-10 of a pound, learn the operation of that State, which is a multiplication by 4, and division by 10, *et e converso.* Those who live near Maryland, where the dollar is 7s. 6d. or 3-8 of a pound, multiply by 3, and divide by 8, *et e converso.* All these operations are easy, and have been found, by experience, not too much for the arithmetic of the people, when they have occasion to convert their old Unit into dollars, or the reverse.

2. As to the Unit of the Financier; in the States where the dollars is 3-10 of a pound, this Unit will be 5-24. Its conversion into the pound then, will be by a multiplication of 5, and a division by 24. In the States where the dollar is 3-8 of a pound, this Unit will be 25-96 of a pound, and the operation must be to multiply by 25, and divide by 96, *et e converso.* Where the dollar is 4-10 of a pound, this Unit will be 5-18. The simplicity of the fraction, and of course the facility of conversion and reconversion, is therefore against this Unit, and in favor of the dollar, in every instance. The only advantage it has over the dollar, is, that it will in every case express our farthing without a remainder; whereas, though the dollar and its decimals will do this in many cases, it will not in all. But, even in these, by extending your notation one figure further, to wit, to thousands, you approximate to perfect accuracy within less than the two-thousandth part of a dollar; an atom in money which every one would neglect. Against this single inconvenience, the other advantages of the dollar are more than sufficient to preponderate. This Unit will present to the people a new coin, and whether they endeavor to estimate its value by comparing it with a Pound, or with a Dollar, the Units they now possess, they will find the fraction very compound, and of course less accommodated to their comprehension and habits than the dollar. Indeed the probability is, that they could never be led to compute in it generally.

The Financier supposes that the 1-100 part of a dollar is not sufficiently small, where the poor are purchasers or vendors. If it is not, make a smaller coin. But I suspect that it is small enough. Let us examine facts, in countries where we are ac-

quainted with them. In Virginia, where our towns are few, small, and of course their demand for necessaries very limited, we have never yet been able to introduce a copper coin at all. The smallest coin which anybody will receive there, is the half-bit, or 1-20 of a dollar. In those States where the towns are larger and more populous, a more habitual barter of small wants, has called for a copper coin of 1-90, 1-96, or 1-108 of a dollar. In England, where the towns are many and populous, and where ages of experience have matured the conveniences of intercourse, they have found that some wants may be supplied for a farthing, or 1-208 of a dollar, and they have accommodated a coin to this want. This business is evidently progressive. In Virginia, we are far behind. In some other States, they are further advanced, to wit, to the appreciation of 1-90, 1-96, 1-108 of a dollar. To this most advanced state, then, I accommodated my smallest coin in the decimal arrangement, as *a money of payment*, corresponding with the *money of account*. I have no doubt the time will come when a smaller coin will be called for. When that comes, let it be made. It will probably be the half of the copper I suppose, that is to say, 5-1000 or .005 of a dollar, this being very nearly the farthing of England. But it will be time enough to make it, when the people shall be ready to receive it.

My proposition then, is, that our notation of money shall be decimal, descending *ad libitum* of the person noting; that the Unit of this notation shall be a Dollar; that coins shall be accommodated to it from ten dollars to the hundredth of a dollar; and that, to set this on foot, the resolutions be adopted which were proposed in the notes, only substituting *an inquiry into the fineness of the coins* in lieu of *an assay of them.*

Annapolis May 9, 1784

MOTION ON STEUBEN.[1] C. C.

[April 13, 1784]

Congress having been made sensible that Major Genl. Baron de Steuben when he left Europe to enter into the service of

[1] A committee of Congress brought in a report on Steuben April 13th, which was not adopted. His case was again considered April 15th; and some time during the discussion this motion was made.

America, independantly of other sacrifices, relinquished offices of very considerable income & honour ~~and that unless he can receive the Monies due to him from these states, his return from their service will be to a Situation distressing to himself dishonourable to them & discouraging to others in future.~~

Resolved that the proper officers proceed to the liquidation of the Monies due from these states to Maj^r^ Genl Baron de Steuben: that the ~~financier paid to him ——— dollars in part thereof that he~~ Superintendant of finance report to Congress his opinion of the most speedy & ~~practicable~~ efficacious means of procuring & paying the same either here or in Europe; that Baron Steuben be assured that Congress will adopt these or such others, as shall appear most proper and effectual for doing him that justice which the peculiarity of his case authorise ~~for his own accommodation in the mean time he be presented with ten thousand dollars for the immediate delivery of which the financier will take order.~~

NOTES ON THE PERMANENT SEAT OF CONGRESS.[1] J. MSS.

[April 13, 1784]

North River—recomended for the permanent seat of Cong^s^ chiefly by its security against foreign danger.

Falls of Potomac—By 1. geographical centrality—2. proximity to Western Country already ceded—3. inducement to further cessions from N. C. S. C. & Georgia. 4. remoteness from the influence of any overgrown commercial city.

Falls of Delaware—By 1. centrality with regard to number of inhabitants. 2. centrality as to n^o^ of States & of Delegates. 3. facility of obtaining intelligence from sea.

Temporary seat of Congress—

Princeton—in favor of it, 1. its neighbourhood to the Permanent seat, 2. inconveniency of a removal. 3. beneficial effect of a frugal situation of Cong^s^ on their popularity throughout the

[1] Probably used during the discussion of this question in Congress, April 13, 1784. *Cf. Journals.*

States. 4. the risque in case of removal from Princeton of returning under the commercial & corrupt influence of Philad[a]—against it—1—unfitness for transacting the public business—2. deficiency of accomodation, exposing y[e] ~~members~~ attending members to the danger of indignities & extortions, discouraging perhaps the fitest men from undertaking the services & amounting to a prohibition of such as had families from which they would not part. ~~3~~

Trenton. arg[ts] in favor & ag[st] it similar to those respecting Princeton. It was particularly remarked that when the option lay ~~between~~ with the President & committee between Trenton & Princeton the latter was preferred as least unfit to receive Cong[s] on their removal from Philad[a]

Philad[a] In favor of it. 1. its ~~infinite~~ unrivaled conveniency for transacting the public business, & accomodating Congress. 2 its being the only place where ~~the~~ all the public offices, particularly that of Finance could be kept under the inspection & controul of, & proper intercourse with Cong[s] 3 its conveniency for F. Ministers, to which, cœteris paribus, some regard would be expected. 4 the circumstances which produced a removal from Philad[a] which rendered a return ~~expedient~~ as soon as the insult had been expiated, expedient for supporting in the eyes of foreign nations the appearance of internal harmony, and preventing an appearance of resentment in Cong[s] ag[st] the state of P[a] or city of Philad[a] an appearance which was very much strengthened by some of their proceedings at Princeton—particularly by an unnecessary & irregular declaration not to return to Phi[a] In addition to these overt reasons, it was concluded by sundry of the members who were most anxious to fix Cong[s] permanently at ~~Georgeto~~ the falls of Potowmac that a temporary residence in Philad[a] would be most likely to ~~endeavor~~ prepare a sufficient number of votes ~~in favor of Philadep~~ for that place in preference to the[c] Falls of Delaware ~~for the permanent,~~ and to produce a reconsideration of the vote in favor of the latter—ag[st] Philad[a] were alleged. 1. the difficulty & uncertainty of getting away from it at the time limited. 2 the influence of a large comercial & wealthy city on the public councils. In addition to these objections, the hatred ag[st] Mr.

M. and hope of accelerating his final resignation were latent motives with some, as perhaps envy of the prosperity of Philad^{a}. ~~might be~~ and dislike of the support of P^{a}. to obnoxious recommendations of Cong^{s}. were with others.

Annapolis. In favor of it, 1st. its capacity for accommodating Cong^{s}. and its conveniences for the public business. 2. the soothing tendency of so Southern a position on the temper of the S. States. Agst. it, 1st. the preposterousness of taking a temporary station so distant from the permanent seat fixed on, especially as better accomodations were to be passed by at Philad^{a}. which was ~~not~~ less than $\frac{4}{5}$ths of the distance from the Permanent Seat 2^{d}. the peculiar force such a step would give to the charge agst. Cong^{s}. of being swayed by improper motives. Besides these considerations it was the opinion of some that ~~way~~ a removal of Cong^{s}. to Annapolis would inspire Maryland with hopes that w^{d}. prevent a co-operation in favor of Georgetown, & favor the commerce of that State at the expence of Virginia.

1. It requires 9 states to appropriate money, and only 7 to adjourn. There cannot therefore be buildings erected at Georgetown without the concurrence of 9 states, a number which I fear we shall never obtain. Yet if the buildings were erected, 7 could adjourn us there, & this number is within hope, but not within certainty.

Obj. It is then but a speculation by which the state may throw away 15000 Dollars.

Answ. True. But this is the extent of their loss. Their possible advantages will be

Common to all the States.

1. The firmness & tone which will be given to the federal government by fixing it's administration more nearly central.
2. The placing the federal council within reach of the Western states, & thereby cementing them to it's Eastern part.
3. Securing the seat of federal govmt from sudden enterprize without expensive works or establishments.
4. Adjacence to two states from the one or the other of which a protection may generally be expected.

Common to Southern States.

1. Drawing the federal fleets into the bay of Chesapeak.
2. Bringing the federal administration nearer to the Southern States.
3. Rendering an attendance in Congress more convenient to Southern members, and by ~~thus~~ removing obstacles, increase the chances for inducing the best men into the office.

Common to Virga & Maryland.

1. Attracting foreigners, manufacturers and settlers to the two States of Virga & Maryland.
2. Attracting commerce to them.
3. Throwing a very large sum of Money annually into circulation which will be divided between them.
4. Preferment of their citizens ~~to possⁿ of honour profit & Power~~ to the federal administration.
5. The advantages of a favorable biass in the Executive officers.

Peculiar to Virginia.

1. The establishment of Alexandria on a par with Baltimore as a secondary place of commerce.
2. Leaving Norfork in possession of all the advantages of a primary emporium. Add to these that the £100.000 offered by Virginia will never be accepted.

	Phila	Trenton	GeorgeTown 146 from P.
N. Hampshire	429	399	575
Massachusetts	365	335	511
Rhode Island	317	287	463
Connecticut	245	215	391
N. York	97	67	243
		1303	
N. Jersey	30	o | 2805	176
	1483		
Pennsylva	o | 2595	30	146
Delaware	30	60	116
			2621
Maryland	144	174	o | 1837 784
Virginia	280	310	134
N. Caroli	427	457	281
S. Caroli	797	827	651
Georgia	917	947	771

RESOLUTIONS FOR THE LEGISLATURES OF MARYLAND AND VIRGINIA.[1]

J. MSS.

[April 13, 1784]

Resolved that the Governor be desired to propose to the state of Maryland to concur with this Commonwealth in erecting buildings for the immediate accomodation of the Congress of the United States on the lands on Potowmac offered to be ceded to them by these two states, & particularly on such parts of them as they shall have reason to believe will be most agreeable to the Congress, the expence of which buildings with the purchase of the ground shall not exceed thirty thousand dollars to be advanced from time to time, as it shall be wanting, by the said states in equal portions: which advances on the part of this Commonwealth the Treasurer is hereby authorized & required to make on warrants from the Auditors according to the established forms of his office.

Resolved that three Commissioners be appointed by joint balot of both houses of Assembly, to act with Commissioners or other persons appointed or to be appointed on the part of the state of Maryland, who shall have powers to purchase sufficient ground to agree on the buildings necessary to be erected, to have them erected without delay, to call for & to apply Monies by way of paiment or of advance for the same, and to tender the said buildings to Congress for the sole purpose of their general & of their personal accomodation.

Resolved that to prevent any difficulties or delays which might be produced by doubts in what manner the said Commissioners when assembled shall vote, it be proposed to the State of Maryland that they shall proceed to business always with an equal number (not less than two) from each state, that, so constituted, they shall be considered as forming one Committee, every member whereof shall have one vote and no more and that if at any time they shall be divided on any question which may be likely to delay the said work, they shall state the same in writing to the delegates of the two states, in Congress, who concurring by a Majority of their respective members present shall decide the same.

[1] Probably drafted while the question of the national capital was under discussion.

RESOLVE ON CONTINENTAL CONGRESS. J. MSS.

[April 14, 1784?]

1. Resolved that the object of the several states in appointing delegates to meet in General Congress, being that they may therein ~~proceed~~ transact for the good of ~~their states several of~~ the Union in general and their state in particular, those matters which the Confederation has submitted to the direction of Congress, the said delegates ought to be invested in the place where they may be sitting with such privileges and ~~exemptions~~ immunities as will ~~leave them in~~ cover them from molestation and disturbance, and leave them in freedom & tranquility to apply their whole time and attention to the objects of their delegation.

2. That territory and exclusive jurisdiction in & about the place of their session is not necessary to attain these ends and would subject them to avocations from their proper objects.

3. That ~~the legations which have been practised among~~ long experience has led the civilized nations of Europe ~~have led to a long course of experience~~ to an ascertainment of those privileges and immunities ~~which are necessary for the free exercise of their functions~~ which may enable the representatives of an independent nation exercising high functions within another ~~that they may~~ to do the same unawed and undisturbed and that therefore the privileges and immunities annexed by the law and usage of nations to such characters ~~to these legations~~ should be allowed to the Congress of the United States collectively and to their members individually by the laws of the states in and adjacent to which they may be sitting, and should be secured in their continuance by sufficient sanctions.

4. That legal provision should also be made for protecting and vindicating those privileges and immunities to which foreign ministers & others attending on Congress are entitled by the law of nations.

5. That Congress will rely on the honour and affection of the states in and adjacent to which they may be sitting as a security that measures shall ~~always~~ be provided for preventing violations of ~~their~~ rights ~~when foreseen~~ before stated in general and duly punishing them when arising too suddenly for prevention.

6. That the United States should be made capable of acquiring

& holding in perpetuum such grounds and buildings in and about the place of ~~their~~ session of Congress as may be necessary for the transaction of business by their own ~~for their~~ body, their committees & officers ~~for the transaction of business and~~ that each state should be made capable of acquiring and holding in perpetuum such grounds and buildings as they may at any time think proper to acquire & erect for the personal accomodation of their delegates: and that ~~all these~~ grounds and buildings before mentioned ~~so long as they shall be~~ so long as Congress or a Commee of the states shall be resident at such place ~~shall~~ should be exempt from taxation.

7. That as in time of war the enemies of these states might employ emissaries and spies to discover the views & proceedings of Congress, ~~Congress~~ that body should have authority within a certain distance of the place of their session to arrest and deal with as they shall think proper, all persons, not being citizens of any of these states nor entitled to their protection, whom they shall have cause to suspect to be spies.

8. That as the United States in Congress assembled represent the sovereignty of the whole Union, their body collectively and their President individually should on all occasions have precedence of all other bodies & persons.

9. That during the recess of Congress the Committee of the states being left to pursue the same objects & under the same circumstances their body, their members & their President, ~~or chairman~~ should respectively be placed on the same footing with the body the members & the President of Congress ~~respectively~~.

TO GEORGE WASHINGTON. J. MSS.

ANNAPOLIS, Apr 16. 1784.

DEAR SIR,—I received your favor of Apr. 8. by Colo. Harrison. The subject of it is interesting, and, so far as you have stood connected with it, has been matter of anxiety to me; because whatever may be

the ultimate fate of the institution of the Cincinnati, as in it's course it draws to it some degree of disapprobation, I have wished to see you standing on ground separated from it, and that the character which will be handed to future ages at the head of our revolution may in no instance be compromitted in subordinate altercations. The subject has been at the point of my pen in every letter I have written to you, but has been still restrained by the reflection that you had among your friends more able counsellors, and, in yourself, one abler than them all. Your letter has now rendered a duty what was before a desire, and I cannot better merit your confidence than by a full and free communication of facts & sentiments, as far as they have come within my observation. When the army was about to be disbanded, & the officers to take final leave, perhaps never again to meet, it was natural for men who had accompanied each other thro' so many scenes of hardship, of difficulty and danger, who in a variety of instances must have been rendered mutually dear by those aids & good offices to which their situations had given occasion; it was natural I say for these to seize with fondness any proposition which promised to bring them together again at certain & regular periods. And this I take for granted was the origin & object of this institution; & I have no suspicion that they foresaw, much less intended, those mischiefs, which exist perhaps in the forebodings of politicians only. I doubt however whether, in it's execution, it would be found to answer the wishes of those who framed it, and to foster

those friendships it was intended to preserve. The members would be brought together at their annual assemblies no longer to encounter a common enemy, but to encounter one another in debate & sentiment. For something I suppose is to be done at these meetings, & however unimportant, it will suffice to produce difference of opinion, contradiction & irritation. The way to make friends quarrel is to put them in disputation under the public eye. An experience of near twenty years has taught me that few friendships stand this test, & that public assemblies, where every one is free to act & speak, are the most powerful looseners of the bands of private friendship. I think therefore that this institution would fail in it's principal object, the perpetuation of the personal friendships contracted thro' the war.

The objections of those who are opposed to the institution shall be briefly sketched. You will readily fill them up. They urge that it is against the confederation—against the letter of some of our constitutions;—against the spirit of all of them—that the foundation on which all these are built is the natural equality of man, the denial of every preeminence but that annexed to legal office, & particularly the denial of a preeminence by birth; that however, in their present dispositions, citizens might decline accepting honorary instalments into the order, a time may come when a change of dispositions would render these flattering, when a well directed distribution of them might draw into the order all the men of talents, of office & wealth, and in this case would probably pro-

cure an ingraftment into the government; that in this they will be supported by their foreign members, & the wishes & influence of foreign courts; that experience has shewn that the hereditary branches of modern governments are the patrons of privilege & prerogative, & not of the natural rights of the people whose oppressors they generally are: that besides these evils, which are remote, others may take place more immediately; that a distinction is kept up between the civil & military, which it is for the happiness of both to obliterate; that when the members assemble they will be proposing to do something, & what that something may be will depend on actual circumstances; that being an organized body under habits of subordination, the first obstructions to enterprize will be already surmounted; that the moderation & virtue of a single character has probably prevented this revolution from being closed as most others have been, by a subversion of that liberty it was intended to establish; that he is not immortal, & his successor, or some of his successors, may be led by false calculation into a less certain road to glory:

What are the sentiments of Congress on this subject, & what line they will pursue, can only be stated conjecturally. Congress, as a body, if left to themselves, will in my opinion say nothing on the subject. They may however be forced into a declaration by instructions from some of the states, or by other incidents. Their sentiments, if forced from them, will be unfriendly to the institution. If permitted to pursue their own path, they will check it by side blows when-

ever it comes in their way, &, in competitions for office, on equal or nearly equal ground, will give silent preferences to those who are not of the fraternity. My reasons for thinking this are 1. The grounds on which they lately declined the foreign order proposed to be conferred on some of our citizens. 2. The fourth of the fundamental articles of constitution for the new states. I inclose you the report. It has been considered by Congress, recommitted & reformed by a committee according to sentiments expressed on other parts of it, but the principle referred to, having not been controverted at all, stands in this as in the original report. It is not yet confirmed by Congress. 3. Private conversations on this subject with the members. Since the receipt of your letter I have taken occasion to extend these; not indeed to the military members, because, being of the order, delicacy forbade it; but to the others pretty generally; and among these I have as yet found but one who is not opposed to the institution, & that with an anguish of mind, tho' covered under a guarded silence, which I have not seen produced by any circumstance before. I arrived at Philadelphia before the separation of the last Congress, & saw there & at Princetown some of its members not now in delegation. Burke's piece happened to come out at that time, which occasioned this institution to be the subject of conversation. I found the same impressions made on them which their successors have received. I hear from other quarters that it is disagreeable generally to such citizens as have attended to it, & therefore will

probably be so to all when any circumstance shall present it to the notice of all.

This, Sir, is as faithful an account of sentiments & facts as I am able to give you. You know the extent of the circle within which my observations are at present circumscribed, & can estimate how far, as forming a part of the general opinion, it may merit notice, or ought to influence your particular conduct.

It remains now to pay obedience to that part of your letter which requests sentiments on the most eligible measures to be pursued by the society at their next meeting. I must be far from pretending to be a judge of what would in fact be the most eligible measures for the society. I can only give you the opinions of those with whom I have conversed, & who, as I have before observed, are unfriendly to it. They lead to these conclusions. 1. If the society proceeds according to it's institution, it will be better to make no applications to Congress on that subject or any other in their associated character. 2. If they should propose to modify it, so as to render it unobjectionable, I think this would not be effected without such a modification as would amount almost to annihilation; for such would it be to part with it's inheritability, it's organization, & it's assemblies. 3. If they shall be disposed to discontinue the whole, it would remain with them to determine whether they would chuse it to be done by their own act only, or by a reference of the matter to Congress which would infallibly produce a recommendation of total discontinuance.

You will be sensible, Sir, that these communications are without all reserve. I supposed such to be your wish, & mean them but as materials with such others as you may collect, for your better judgment to work on. I consider the whole matter as between ourselves alone, having determined to take no active part in this or anything else, which may lead to altercation, or disturb that quiet & tranquillity of mind to which I consign the remaining portion of my life. I have been thrown back by events on a stage where I had never more thought to appear. It is but for a time however, & as a day labourer, free to withdraw, or be withdrawn at will. While I remain I shall pursue in silence the path of right, but in every situation, public or private, I shall be gratified by all occasions of rendering you service, & of convincing you there is no one to whom your reputation & happiness are dearer.

TO JAMES MADISON.

ANNAPOLIS, April 25, 1784.

DEAR SIR,—My last to you on the 16th of March, as was the latest I have received from you. By the proposition to bound our country to the westward I meant no more than the passing an act declaring that that should be our boundary from the moment that the people of the Western country & Congress should agree to it. The act of Congress now inclosed to you will shew you that they have agreed to it, because it extends not only to the territory ceded, but *to be ceded*, and shews how and when they shall be taken

into the union. There is nobody then to consult but the people to be severed. If you will make your act final as to yourselves, as soon as those people shall have declared their assent in a certain manner to be pointed out by the act, the whole business is settled. For their assent will follow immediately. One of the conditions is that they pay their quota of the contracted. Of course no difficulty need arise on this head: as no quota has been fixed on us unalterably. The minuter circumstances of selling the ungranted lands will be provided in an ordinance already prepared but not reported. You will observe two clauses struck out of the report, the 1st respecting hereditary honors, the second slavery. The 1st was done not from an approbation of such honors, but because it was thought an improper place to encounter them. The 2nd was lost by an individual vote only. Ten states were present. The 4 Eastern states N. York, and Penns., were for the clause. Jersey would have been for it, but there were but two members, one of whom was sick in his chambers. South Carolina, Maryland, and ! Virginia ! voted against it. N. Carolina was divided, as would have been Virginia, had not one of its delegates been sick in bed.

The place at which Congress should meet in Nov. has been the subject of discussion lately. Alexandria, Philadelphia, & Trenton were proposed. The first was negatived easily. Trenton had the 4 Eastern states, N. Y., N. J., & Penns. We expect Georgia & Delaware shortly, in which case it will become possible that Phila. may be determined on. The

question is put off to be considered with the estabishment of a com. of the states, which, to my astonishment, would have been negatived when first proposed had not the question been staved off. Some of the states who were against the measure, I believe, because they had never reflected on the consequences of leaving a government without a head, seem to be come over.

Dr. Lee is appointed an Indian com. He is not present, but is known to have sought it, & of course will accept. This vacates his seat here. I wish Short could be sent in his room. It is a good school for our young statesmen. It gives them impressions friendly to the federal government instead of those adverse which too often take place in persons confined to the politics of their state.

I like the method you propose of settling at once with Maryland all matters relative to Potowmac. To introduce this more easily, I have conversed with Mr. Stone (one of their delegates) on the subject & finding him of the same opinion, have told him I would by letters bring the subject forward on our part. They will consider it therefore as originated by this conversation.

Mercer is 604 *ing* a very 590. *or* 745 *part. He* is a *candidate* for the 188 [secretary ?] *ship* of *foreign* 575 [affairs ?] and tho *he will not* get the *vote of one state* I believe *he expects* the *appointment. He* has been *endeavoring* to *defeat* all *foreign treaties* to force the *nations* of *Europe* to 400. 255 *treat here* that *he* may have the *execution* of 238. 789. 243. 926. 523. this 467,

364 tho *he* 960. not 374 the *vote* of *his state*. *He intrigued* with a 312. 730 1017 *ol* from *wes* 66 & an *old one* from *New York* 890 424 [?] them to *divide* their *state* by *voting* in the 1095 and there being but 586 *states present one* of *which* was 728 before to be divided the 467 *set* of 99 were *re* 921. 278. 539. 359 tho *approved* by *twenty-one* out of *twenty-five members* the 467 364 has been in *the* 895. 565. for a *month* and whether it can be *resumed* & 835 *depends* on the uncertainty of 160 or 343 coming on. *Vanity* & *ambition* [?] *seem* to be the 398 *ing passion* of this 312 730. *man* and as *his* 898 are *in* 818. *re* as also are *his mean intrigue* is a *principal one* on 820 47 as *party attachment* is in the *able his* 6 now about *one* 760 of the *time of Congress* to *himself* & in *conversations* with *Read*, 651, 746, 776. 14. 364. inconceivable *that* 823. the 794 is *col* 66 & no otherwise of *Ken*[*tucky ?*] *than* as by *his vote* 24 can *divide his state*.

The more I reflected on your proposition for printing the Revisal, the more I have liked it. I am convinced too from late experiments it cannot be passed in the detail. One of the Eastern States had their laws revised and then attempted to pass them through their legislature, but they got so mangled that all consistence was destroyed, & I believe they dropped them all together. Should this be printed, I will ask you to send me half a dozen copies wherever I shall be.

Would it not be well for Virginia to empower persons privately to buy up her quota of old Continental Money. I would certainly advise this were I not

afraid that the possession of her quota on such easy terms would tempt her to refuse justice to the other states on this matter. For surely there would be no justice in wiping off her part of this debt by so much smaller a contribution than the others. If she would avail herself of it only to shield herself against injustice and to enable her from a high ground to declare & do what is right, I should much wish to see her adopt secret measures for the purchase. I think some other states will do thus & fear with unjust views. You know that many gentlemen of this state had money in the hands of merchants in England. I am well informed that these merchants have uniformly refused to pay them interest, saying the money was always ready if they would have called for it. This adds another to the many good reasons we had before against paying interest during the war. * * *

Congress hope to adjourn by the last of May. The estimate and requisitions for the year, the arrangements for the land office, and foreign treaties, are subjects they will endeavor to complete. Vermont is pressed on them by New York, and a day declared beyond which they will await no interposition, but assert their right of government. The Chevalier Luzerne has taken his leave of us. He makes a tour to the lakes before he leaves the continent. Marbois acts as chargé des affaires till the arrival of a successor. * * *

April 30. A London ship is arrived here which left that port the 25th March. Pitt was still in place, supported by the King, lords, and nation in general,

the city of London enthusiastically in his favor. Still there was a majority of twelve in favor of Fox, who was supported by the Prince of Wales. It was thought that parliament would be dissolved. Congress has determined to adjourn on the 3d June to meet in November at Trenton. Adieu.

REPORT ON MERCER.[1]

[April 27, 1784.]

The commee &c
having agreed to the following resolution.

Resolved that the Superintendant of finance be directed to take order for the paiment of 333⅓ Dollars to the guardian of Hugh Mercer son of the late General Mercer for one year's education & maintenance.

DRAFT OF "AN ORDINANCE ESTABLISHING A LAND OFFICE FOR THE UNITED STATES."[2] C. C.

[April 30, 1784.]

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, when the same shall have been purchased of the Indian inhabitants, & laid off into States, shall be disposed of in the following

[1] Endorsed: "No. 20. Resolu of Comᵉᵉ Mr. Jefferson, Mr. Sherman, Mr. Gerry. On a Motion of Mr. Jefferson. Pass'd April 27ᵗʰ 1784. Allowance to H. Mercer—son of Genˡ Mercer."

[2] Endorsed: "Report of Mr. Jefferson, Mr. Williamson, Mr. Howell, Mr. Gerry, Mr. Read. An Ordinance for ascertaining the mode of locating & disposing of Lands in the Western territory. Read April 30, 1784. Friday May 7, assigned."

On May 7th, according to the *Journals of Congress*, this was reported and "read a first time," and "Monday next assigned for the second reading." No further mention of it is made till May 28th, when it was called for, but a motion to consider it was carried in the negative, not a single state voting in its favor. It was not again considered till March 4, 1785, when it was read, and ordered for a second reading. It was then referred to a committee, who,

manner. It shall be divided into Hundreds of ten geographical miles square, each mile containing 6086 feet and four tenths of a foot, by lines to be run & marked due North & South, & others crossing these at right angles, the first of which lines, each way, shall be at ten miles distance from one of the corners, of the State within which they shall be. But if the Indian purchase shall not have included any one of the corners of the state, the lines shall then be run at the termination of integral miles as measured from some one of the corners, but shall be extended, by actual marks, only so far as the purchase extends. These Hundreds shall be subdivided into lots of one mile square each, or 850 acres and four tenths of an acre by marked lines running in like manner due North and South & others crossing these at right angles.

For laying off the said territory, Surveyors shall be appointed by Congress, or the Committee of the States, who shall proceed forthwith, under the direction of the Register hereafter to be mentioned, to divide the same into hundreds, by lines in the directions, & at the intervals before mentioned, which lines shall be measured with a chain, shall be plainly marked by Chops, or marks on the trees & shall be exactly described on a plat, whereon shall be noted at their proper distances, all watercourses, mountains & other remarkeable & permanent things over or near which such lines shall pass.

The Hundreds being laid off and marked, nine of them shall be assigned as a district to each surveyor, who shall then proceed to divide each Hundred of his district into lots as before directed, beginning with the Hundreds most in demand, and measuring, marking & platting the said dividing lines thereof in the manner before directed for the Hundreds, save only that the lines of the lots shall be distinguished by a single mark on each tree, and those of the hundreds by three marks. And that the sd lots may be capable of more accurate description and distinction from

on April 14th, reported an entirely new Ordinance, printed in the *Journals* under April 26, 1785.

This ordinance was printed as:

An Ordinance for ascertaining the mode of locating and disposing / of lands in the Western Territory. / Folio. 2 leaves.

each other, those in every Hundred shall be designated by the numbers in their order from 1. to 100, beginning at the North-western lot of the Hundred & applying the numbers from 1 to 10. to the lots of the first row from West to East successively, those from 11 to 20, to the lots of the second row from West to East & so on. The surveyors shall pay due & constant attention to the variation of the magnetic meridian, & shall run & note all lines by the true meridian, certifying with every plat what was the variation at the time of running the lines thereon noted.

A Register shall be appointed by Congress for each of the states within which the said territory shall lie, who shall keep his office within the said state, be resident at it himself & provide a seal for authenticating it's acts, to him returns shall be made by the several surveyors on the last days of March & August in every year, of the plats of all lines, measured & marked by them in the preceeding half year, to be by him collated, and reduced into a general map of the whole state for which he acts. He shall annually, to wit, on the first Monday in November of every year, deliver, or cause to be delivered to the Secretary of Congress, a copy of such portions of the said general map as shall have been formed, or further filled up, during the preceeding year, retaining one in his own office for the use thereof. He shall have power to suspend any surveyor for negligence or malversation, making report thereof to Congress, or a Committee of the states, that they may direct a proper enquiry.

Each Register shall cause to be printed under such devices, difficult of imitation, as he shall think best, warrants, each of which shall give right to one lot of a mile square described as before directed : and other warrants for each of the said states which shall give right, each of them, to one of the Hundreds of ten mile square as before described. These warrants shall have blanks for names & dates, shall be numbered and signed by the Register, sealed with the seal of his office & shall be cut with indentures from a book, the margin of which shall be numbered in correspondence with the warrant cut therefrom, & which shall be preserved in the office as a further check. The sd warrants shall be deposited in the Treasury of the United States, and the Treasurer thereon debited with them, from thence they shall be sent in

such numbers as the Register issuing them shall direct, to the Commissioner of the loan office for the United States in each of the states with in the Union, the Treasurer countersigning them on parting therewith & having a credit duly entered in his own account with the United States, & a debit against the loan officer to whom they are sent.

Any person, chusing to become a purchaser of lands within the said territory & paying to the Treasurer or loan officer, the sum of dollars, shall receive in lieu thereof one of the sd smaller warrants entitling him to a lot, on paying dollars, shall receive in lieu thereof one of the said larger warrants entitling him to a whole Hundred within the State from which the warrant issued ; the Treasurer or loan officer inserting the name of the purchaser in the proper blank, filling up the date, & attesting the warrant by his own subscription. Loan Office certificates, reduced to their specie value by the scale of depreciation on certificates of liquidated debts of the United States, shall be receivable for the sd. warrants in lieu of money ; and evidences of military rights to lands herein after to be described, shall be receivable instead of the price itself of so much land.

~~These warrants shall pass by descent or decree as real property.~~

These warrants shall pass as lands, by descent or devise, but not by assignment nor by survivorship.

The owner of any warrant proceeding to locate the same, shall deliver it to the Surveyor of the district, wherein his location is to be, describing to him the particular lot on which he places it, or the Hundred, if it be a warrant for a hundred, by a designation of some point, either natural or artificial, within the said lot or Hundred, so singular & certain as may be adapted to no other lot or Hundred or by reference to the position of the Hundred, or number of the lot, which description the surveyor shall immediately enter in a book well bound, with the date of the entry describing the warrant located thereon by its number, date, signatures & name of the original owner and leaving no blank space or leaf between that & the preceeding entry, nor any margin by its side. If the location be made before the lot or hundred be yet laid off by lines actually new & marked, the Surveyor shall retain the war-

rant in his hands until the Hundred, if it be for a Hundred, or until all the lots of the Hundred, if it be for a lot, shall be actually laid off by marked lines : and then, or at the time of the entry, if the lines were marked before the entry was made, having satisfied himself by proper evidence or by his own inspection & examination, on what particular lot, or on what Hundred the location is, and that there has been no previous location on the same he shall give to the party a certificate, describing the lot or Hundred so specially as that it may be known from all others, by particular marks or circumstances, natural or artificial by stating the order or position of the Hundred relatively to the boundaries of the State, and specifying the lot by it's number : with which certificate he shall return the warrant also to the party. These being delivered to the Register, & the warrant examined, & found genuine by him, he shall give a receipt for the same, and in due time proceed to execute a grant of the land in the following form. "A. B. register of the land office of the United States within the State of ——— to all to whom these presents shall come, greeting. Know ye that for good consideration there is granted by the United States of America unto C. D. a certain lot [or Hundred of land as the case shall be, describing it from the certificate] within the said State of ——— to have & to hold the said lot, [or Hundred] of land, with its appurtenances, to him the sd C. D. & his heirs for ever. In witness whereof the sd. A. B. register of the land office of the sd State hath hereunto set his hand, and caused the seal of this office to be affixed, this —— day of —— in the year —— and of the independance of the United States the —— which grant shall be entered of record, at full length, in good, well bound, books to be provided for that purpose, at the expense of the United States, & kept by the Register, and being so entered, shall be certified to have been registered, & then be delivered to the party or his order. Different lots adjoining side by side within the same Hundred, may be included & passed by the same grant ; but separate lots & lots in different Hundreds, as also different Hundreds, shall be passed by different grants, no fractions of a lot shall be granted, unless where such fractions are occasioned by the boundary of the State, or of the Indian conveyance, until a temporary Government shall be estab-

lished in any State according to the resolutions of Congress of April —— 1784. The lands therein shall pass, in descent & dower according to the customs known in the common law by the name of Gavelkind ; and shall be transferrable by deed or will proved by two witnesses, but so soon as a temporary Government shall be so established they shall become subject to the laws of the State, & shall never after, in any case, revert to the United States. Where a grant shall be made out to the heir or devisee of the person in whose name the warrant was originally issued, he shall be named in the sd grant as heir or devisee.

For preventing hasty, & surreptitious titles, the Register shall execute no grant for lands until the warrant & certificate delivered him for the same shall have remained in his office months, at any time within which period any person, claiming the same lands under a prior location, shall be at liberty, to enter a caveat, with the Register, against the execution of any grant to the other, setting forth in the entry a copy of the location under which himself claims. The Register shall thereupon issue a Summons, reciting the entry made with him & calling the defendant to appear at a certain time & place, in defence of his right, which Summons being served, & the parties appearing he shall refer the decision to three arbitrators to be chosen by them, or if they cannot agree, then to three intelligent honest & indifferent persons to be named by himself ; which arbitrators being first sworn to do justice between the parties according to the best of their knowledge and abilities by the Register who is hereby authorized to administer such oath, shall proceed thereon, at such times & places, as they shall appoint, giving notice thereof to the parties, & their award being rendered, the Register shall execute a grant to the plaintiff or defendant, conformably therewith. The party whose location is annulled shall be authorized to receive again his warrant, & to locate it on other lands. If the defendant, being summoned, or the plaintiff, fails to appear by himself or another before the Register on the day appointed the Register may give a further day, or in his descretion may proceed on the evidence before him to execute a grant to the party having the right. If the defendant fails to appear, & there be no sufficient proof that the Summons has been served, the Register shall issue a new

Summons, unless it shall be proved that he hath been sought at the usual place of his dwelling & hath not been found in which case the Summons shall be advertised three times in some gazette of the State wherein he then resides or last was known to reside giving a new day of appearance, which shall not be within less than months after the date of the last third publication, and on his failing to appear at that day, the Register shall proceed to decision. But in case of a decision against the defendant, where there was no actual service of the Summons, he shall be allowed at any time, within one year after such decision a rehearing before arbitrators to be appointed & qualified as directed in the case of an appearance. But on such rehearing the mere right alone shall be tried.

The Register together with the map before directed to be delivered annually to the Secretary of Congress, shall report a Calendar of all grants executed by him, stating in different columns thereof the date, grantee, quantity, how much of that was for military service, the Hundred, & Lot. The monies arising from the sale of warrants shall be applied to the sinking such part of the principal of the National debt as Congress shall from time to time direct & to no other purpose whatsoever.

The Register, before he enters on the duties of his office, shall give such bond & security for the faithful discharge thereof as Congress, or the Committee of the states, shall approve, and shall be entitled to receive, for the execution of every grant, dollar, for every Lot the same shall contain or dollars if it be for a whole Hundred ; which shall be paid at the time he receives the warrant & certificate, & shall be deemed satisfaction for all the services & expenses of his office, except the purchase of books for registering grants & of the seal of his office.

Every Surveyor shall also, before he enters on the duties of his office give such bond and security for the faithful discharge thereof as Congress, or the Committee of the states shall approve & shall be entitled to receive for every Lot located with him dollars and dollars for a whole Hundred which shall be paid at the time of location, & shall be deemed satisfaction for all the services & expences of his office. But where he shall have admitted more location than one on the same land he shall restore

the fees received from the party whose location shall be set aside.

A surveyor desiring to locate lands for himself shall make such location with the Register.

And whereas Congress by their resolutions of Sep. 16. 1776 & Aug. 12, 1780 stipulated grants of land to the officers & souldiers who should engage the service of the United States, and continue therein to the close of the war or until discharged by Congress & to the representatives of such officers & souldiers as should be slain by the enemy, in the following proportions, to wit, to a Major General 1100 acres, to a Brigedier 850, to a Colonel 500, to a L[t] Colonel 450, to a Major 400, to a Captain 300, to a Lieutenant 200, to an Ensign 150, & to a non-commissioned officer or souldier 100. For complying therefore with such stipulation, & for ascertaining the evidence of rights accruing under the same which shall be receivable instead of money, it is ordained that the evidence to be required from commissioned officers shall be a certificate from the War office of their rank and continuance in service to the end of the war ~~&~~ from non commissioned officers & souldiers a certificate from the captain of their Company, countersigned by the officer who commanded ~~commanding officer of~~ their regiment at the time of their discharge, that they were enlisted into the service of the United States, during the war, & continued therein to the close of it to wit, to the day of 1783 & from the representatives of such officers & souldiers as were slain by the enemy, a certificate, from the same authority of the rank, or term of enlistment of the deceased, & that he was slain by the enemy, together with satisfactory affidavits that they are his representatives: which evidences shall be receivable by the ~~treasurer~~ Loan officer of the United States in the state to the line of which he belonged, or by the Treasurer if he belonged to the line of no state: and on the warrant issued shall be an endorsement signed by the Treasurer or Loan officer declaring the proportion thereof which was satisfied by military service; and in the same proportion shall all fees be abated to which that warrant would otherwise be subject. The proceedings on it in all other respects shall be the same as on a warrant issued wholly for money.

Saving and conforming always to all Officers & souldiers

entitled to lands on the Northern side of the Ohio, by donation or bounty from the commonwealth of Virginia & to all persons claiming under them all rights to which they are so entitled by the laws of the said state & the acts of Congress accepting the cession of Western territory from the sd state.

TO THE GOVERNOR OF VIRGINIA. V. S. A.
(BENJAMIN HARRISON.)

ANNAPOLIS Apr. 30 : 1784

SIR,—I do myself the honor of inclosing you an act of Congress on the subject of Western territory as passed a few days ago. The Ordinance for opening the land office so soon as our purchases are made from the Indians is not yet passed. I also inclose a copy of the estimate & requisitions of the year as they passed Congress. This however you will shortly receive from the President officially. Congress have determined that they will adjourn on the 3^{d} of June to meet at Trenton in November. Virginia, Maryland & Pennsylvania gave each certain powers to Congress to enable them to counteract the British commercial measures. But these powers were all different. A recommendation is therefore now under consideration proposing to the states to give a uniform power for a given term of years which may enable Congress to make it the interest of every nation to enter into equal treaties with us. This I think will be ready by the next post. The Cheval^{r} Luzerne has notafied his leave to return home & that Monsr de Marbois will act as chargé des affaires till a successor arrives. We begin to hope that the bills of the finan-

cier threatened with protest have been taken up. The ground of our hope is the length of time elapsed without hearing of their ultimate protest. A vessel arrived here two days ago which left London the 25th of March. She brings papers to the 20th. Pitt was still in place, supported by the king, H. of Lords, the city of London, E. India Company & the nation in general, who were sending addresses from all parts of the Crown in his favor. The Grocers Company having presented him with the freedom of their body & given him an entertainment, the city was illuminated, and the windows of the opposition who would not illuminate were broken. Still the opposition returned a majority of 12 in the H. of Commons who kept all the wheels of government suspended. It was in Mr. Pitt's power to secure himself at any time by admitting a coalition but this would seem to shift him on the very ground which had shaken his adversaries. It was believed the parliament would be dissolved. They had continued the king's power over our commerce six months longer.

TO HORATIO GATES.[1]

ANNAPOLIS, May 7th, 1784.

DEAR GENERAL,—I received by the last post your favor of the 27th Ult. and am obliged for the communication therein. The ferment on the subject of your society seems just becoming general. They write us from Virginia that it works high there, and

[1] From the original in the possession of Dr. Thomas Addis Emmet of New York.

that the division is precisely into civil and military. We will not presume to send foreign news from Annapolis to Philadelphia. Congress expects to adjourn on the 3d of June. They have passed the estimate and requisitions for the year, and some recommendations to the states to vest Congress with such much power over their commerce as will enable them to retaliate on any nation who may wish to grasp it on unequal terms; and to enable them if it should be found expedient to pass something like the British navigation act. You say [sic] in the public papers a report of a committee, erroneously said to be an act of Congress, for dividing the Western country into new states. That report was recommitted, the paragraphs of names struck off, the principles of government somewhat varied & the act then passed. Foreign treaties of commerce occupy us at present. I am not yet fixed as to the time of my coming to Philadelphia, tho' think it will not be long [after the] first .

REPORT ON CONTINENTAL BILLS OF CREDIT.[1]

[May 7, 1784.]

The Grand Committee. To whom was referred a Letter of the Governor of Massachusetts of the 28th of October 1783 relative to the Continental Bills of Credit of the old Emissions, submit the following.

[1] Endorsed: "No. 88 Report of grand Comᵉᵉ on Old Cont: Money. Entᵈ. Read May 17, 1784. Monday 24 May assigned for consideration."

This report, as adopted by Congress, was printed as:

The Grand Committee to whom was referred / a Letter of the Governor of Massachusetts, of the 28th of Oc- / tober, 1783, relative to the Continental Bills of Credit / of / the Old Emissions, submit the following. / 4 to. Broadside.

Resolved.

That all sums of Continental bills of credit *paid by or to any State* on account of the United States shall be credited or debited in account according to the specie value of such bills at the time of paiment, as settled by the legislature of the same state in their table of depreciation formed for the use of their state: and where none such has been formed, an average shall be taken from those of the states adjoining wherein such tables have been formed, on which paiments an interest shall be allowed at the rate of 6 per centum per annum from the time of paiment.

That all such bills *now in the Treasury* of any state shall be credited to such state at the value they bore in specie at the time they were received by the state, which value shall be settled by a table of depreciation as directed in the preceding resolution for all the period of time comprehended in such depreciation table and if the sd bills were received after the last day to which such table descends they shall then be credited at the rate at which they were actually purchased or received, or if not purchased or received at any particular rate, then at the market value of such bills within the state at the time, to be estimated on the best evidence which may be obtained, on which sums also a like interest of 6 per cent per annum from the time of receipt shall be allowed, and the affidavit of the Treasurer receiving the sd bills shall be evidence of the time and rate at which they were received.

That all such bills *now in the hands of individuals* shall be redeemed at the same rates prescribed for those in the Treasury of their state. That the holders of such bills shall be at liberty to carry them to the loan officer of the U. S. within their state who shall give them in exchange for the same a certificate expressing the sum in specie which the U. S. owe in lieu thereof & the time from which it bears interest, which time shall be the 1st day of April 1781, where the sd bills were received before that day, & when received afterwards the time of their actual receipt. The loan officer shall require from the holder the best evidence of the time of his receiving them which the nature of the case will admit, viz. that of circumstances & disinterested persons where to be had, and where not to be had to his satisfaction, then resorting to the examination of the party himself on oath, & giving

thereto so much credit as in his conscience he shall think it deserves: and in all cases of importance & difficulty shall associate to himself two honest & able persons to assist him in the examination & judgment. These certificates shall be funded & paid as the other debts of the U. S., but no certificate shall be issued for a less sum than twenty specie dollars.

That the Superintendent of finance direct the form & mode of issuing the aforesd certificates, & take order for destroying the Continental bills of credit brought in.

Passed in Commee May. 7. 1784.

TO THE GOVERNOR OF VIRGINIA. V. S. A.
(BENJAMIN HARRISON.)

ANNAPOLIS May 7, 1784

SIR,—The duty of correspondence for the Month being devolved on me, and no authentic intelligence from abroad having been received, I have it in my power to communicate to you only what we get through the channel of the public papers. The inclosed will present to you some of the late debates of the H. of Commons, their address to the king & his answers. These seem to exclude the prospect of accomodation. In my last I inclosed you a copy of the estimate & requisitions for the year, and the act for the division of the Western territories as they had ultimately passed Congress, since that, the resolutions have been passed which have been forwarded to you by the President recommending to the legislatures to invest Congress with certain powers in some cases of commerce. The principles on which treaties of commerce are to be formed with foreign powers, occupy the attention of Congress at this time. These will

then remain for discussion before their adjournment. 1. The opening of their land office. 2. Indian affairs. 3. The Western posts. 4. A proposed arrangement of the treasury on the resignation of Mr. Morris is expected. & 5. A definition of the powers of the Committee of the states.

In your favour of the 23.d of Apr. you ask at what rate the Loan-office debt is to be discharged? The resolutions of June 28. 1780 which fix the rate of depreciation, declare that the principal of the loans shall be discharged in Spanish dollars according to those rates.

We have had information of the adoption of the impost by every state except Georgia, N. Carolina, New York, Connecticut & Rhode Island. From the three first there is no reason to apprehend any opposition. Connecticut declares itself opposed unless the Commutation can be separated from it. The firmness of Congress on this head will exclude her from every hope of that, and I am informed it is probable she will yield that point & adopt the measure. I have frequently heard the gentleman of Rhode island, to whom the opposition of that state has been generally imputed, declare that Rhode island would never come into the measure of the impost as long as any other state would hold off. That if every other acceded however, she would not solely oppose the will of the whole union, but in that case would yield. The probability is therefore that the measure will get through all the legislatures in the course of this summer.

TO THE GOVERNOR OF VIRGINIA. V. S. A.
(BENJAMIN HARRISON.)

ANNAPOLIS, May 7, 1784

SIR,—Since my letter of this morning the post has arrived and brought us a letter from Dr Franklin of Mar. 9. He had received a letter from Congress informing him of the reasons of delaying our ratification. He apprehends no difficulty from this circumstance, & the rather as he had received a letter from Mr Hartley dated Mar. 2. (the day before the exchange should have taken place) desiring him he would inform him when the American ratification should arrive, & he would then apply for the British & attend the exchange. Letters this moment received from Holland inform us that the protested bills will be taken up: but by pushing a plan of loan on terms most ruinous and disgraceful: yet less so than nonpaiment would have been. This shows the necessity of doing something effectual in the business of supplies.

P. S. Mr Hardy desires me to present his compliments and to inform you that the want of anything material to be added to the intelligence I have communicated prevents him troubling you with a letter.

INSTRUCTIONS TO THE MINISTERS PLENIPOTENTIARY APPOINTED TO NEGOTIATE TREATIES OF COMMERCE WITH THE EUROPEAN NATIONS.[1]

May 7, 1784.

WHEREAS, instructions bearing date the 29th day of October, 1783, were sent to the Ministers Plenipotentiary of the United States of America at the Court of Versailles, empowered to nego-

[1] *Cf. Secret Journals of Congress*, May 7, 1784.

tiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the commercial powers of Europe :

Resolved, That it will be advantageous to these United States to conclude such treaties with Russia, the Court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia, and the Ottoman Porte.

Resolved, That in the formation of these treaties the following points be carefully stipulated :

1st. That each party shall have a right to carry their own produce, manufactures, and merchandise, in their own bottoms to the ports of the other, and thence the produce and merchandise of the other, paying, in both cases, such duties only as are paid by the most favored nation, freely, where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions ; or if this cannot be obtained, then a direct and similar intercourse between the United States and certain free ports within such possessions ; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own bottoms, the produce and merchandise thereof to their States directly ; and for these States to carry in their own bottoms their produce and merchandise to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the federal constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hinderance, and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages or places,

who labor for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall ; but if anything is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price ; and all merchants and traders, exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested ; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

5. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it be further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall, on any account, be deemed contraband, so as to induce confiscation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue, from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors ; and it shall be further allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped, will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not in that case be carried into any port ; but shall be allowed to proceed on her voyage.

6. That in the same case, when either of the contracting parties shall happen to be engaged in war with any other power, all goods, not contraband, belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships, that would attempt to sail in or out of the said port ; and that no vessel of the party, who is not engaged in the said war, shall be stopped without a material and well-grounded cause ; and in such cases justice shall be done, and an indemnification given, without loss of time to the persons aggrieved, and thus stopped without sufficient cause.

7. That no right be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy ; but when on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, then he shall be allowed reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such treaties be made for a term not exceeding ten years from the exchange of ratification.

9. That these instructions be considered as supplementary to those of October 29th, 1783 ; and not as revoking, except when they contradict them. That where in treaty with a particular nation they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many nations, it is our expectation they will procure them, though not pointed out in these instructions ; and where they may be able to form treaties on principles which, in their judgment, will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of treaties, though we have proposed to restrain them to the term of ten years, yet they are at liberty to extend the same as far as

fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed ; but that this be not pressed, if the proposal should be found disagreeable.

Resolved, That treaties of amity, or of amity and commerce, be entered into with Morocco, and the Regencies of Algiers, Tunis and Tripoli, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our Ministers, to be commissioned for treating with foreign nations, make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these States, and his readiness to enter into alliance with them. That the occupations of the war, and distance to our situation have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expenses of his Minister, they do therein what is for the honor and interest of the United States.

Resolved, That a commission be issued to Mr. J. Adams, Mr. B. Franklin, and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification ; and that such commission be in force for a term not exceeding two years.

TO JAMES MONROE. MON. MSS.

PHILADELPHIA May. 21, 1784.

DEAR SIR,—Your favor of the 14th came duly to hand. It enabled me to give to Col Humphries the first intimation of his appointment and to see that he received real pleasure from it. He was before un-

known to me; but our future connection in business has occasioned me to inquire into his character with which I am much pleased. We have taken arrangements for passing the Atlantic together. Short is not yet arrived. But had he not been coming, the servant whom I ordered to join me here would have been with me before now. I wait for time & for our commissions & instructions. The moment these arrive I shall set out for Boston, where a passage will be provided.—Is there a commission for an additional treaty with France? The instructions made this necessary, and without it we shall be at Paris but private citizens, unprotected by the laws of nations, and liable to the jurisdiction of the country. A very disagreeable affair has happened here which will give you trouble probably both on this & the other side the water. It is an assault by a very worthless Frenchman on Mr Marbois, for refusing to give the attestations of the consulate to some falsehoods which he wished to establish. I mean to make myself acquainted with the affair & will write you particularly on it before I leave this place. Genl. Knox went on from hence two days ago to receive the orders of Congress as to the western posts. The mouth of the Illinois is the interesting post for Virginia, because it will open a trade up the Missouri & Missisippi. The spot there is advantageous for defence according to Hutchins' pamphlet, & Genl. Washington's letter on the peace establishment. Michillimacinac is very important for the United States in general: it is interesting to Virginia on

the expectation that she may open the navigation from lake Erie to Patowmac. Detroit is a place of Consequence, but so strongly settled that I doubt whether any force need be kept there. The N. Yorkers will wish a force at Niagara or Oswego. I should yield to them as far as necessity requires; but the further north that post is the better for Virginia, were it even pushed to the intersection of the Cataraqui with the 45th degree. It might then leave a possibility of drawing the six nations to F. Pitt. Mr Thomson's counsel on this subject will probably be useful, the interests of Pennsylva & Virginia being united as to all these posts. We shall not begin to scramble for the trade till we have brought it to F. Pitt. To the Southward it would be our interest to have an agency kept up with the Overhill Cherokees, & Martin the agent. If S. Carola & Georgia would then be contented with one other agency, & could agree on it's situation it would be well. I had thought of the head of Mobile river because there is a very short portage from there to the waters of the Tenissee which would give us access to it, but Mr Reid thought it too distant from the inhabited country. I am to thank you for your care of my baggage which is come safely to hand. Mr Hopkinson had sent on under cover to me a draught from mr Morris for 233⅓ Dollars for me, and for the amount of mr Hardy's bill. My part was intended for mr Jenifer. I hope you will have been so good as to dispose of both parts according to their destination. Boirod & Gaillard had also forwarded

by the stage some of the books you desired. I have not yet received their bill & will transmit it to you as soon as received. The stage having ceased to pass between Baltimore & Annapolis, possibly these books may remain at the former place. I believe there is sometimes too a stoppage at Susquehanna by a change of interest in the proprietors of the stage. Should this have happened, your enquiries must come that far.—I have had the pleasure of seeing three balons here. The largest was of 8.f. diameter & ascended about 300 feet. I shall write to you again from this place & afterwards in the course of my Northern progress. I shall be obliged to you to continue your letters as long as they can reach Boston by the 15th of June. A particular detail of Congressional proceedings, and of the communications from or concerning your foreign ministers will be most acceptable. Hopkinson tells me he had mentioned in his letter to me that the office of Director or master of the mint would be acceptable. He was therefore uneasy when I told him that I had left a request with a friend to open my letters. But I satisfied him perfectly on that head, and that you would render him any service which the duties of your situation would permit. He is a man of genius, gentility & great merit, & at the same time poor & the father of a numerous family. He holds a little office here, more respectable than profitable, for he can but barely live. He is as capable of the office as any man I know & the appointment would give general pleasure, because he is generally esteemed.—Messrs.

Boirod & Gaillard will be glad to receive the Prospectus of the Encyclopedia. Foreseeing that if I turn over the leaf I shall plague you with another page full I will here bid you adieu.

TO CHARLES THOMSON.[1]

PHILADELA, May 21, 1784.

DEAR SIR,—I received your favor of the 16th last night. I was out when it was delivered, so knew not how it came, a circumstance no otherwise important than as I am at a loss how or where to inquire for the packet which should have accompanied it, containing the Commissions, Instructions, etc. I shall immediately, however, make the enquiry. I am obliged to you for the order for the journal. I shall make use of it to procure those of 1779–1783, and part of 1784 which my set wants. My matter in the printing way is dropped. Aitken had formerly told me he would print it for £4 a sheet. He now asks £5 10*s*., which raises the price from £48 to £66; but what was a more effectual and inseparable bar was that he could not complete it under three weeks, a time I could not wait for it. Dunlap happened to be out of town, so I relinquished the plan. Perhaps I may have a few copies struck off in Paris if there be an English Printer. If I do you shall assuredly have one. I shall take the liberty of adding some of your notes—those which were mendatory merely will have their effect on the body of the work. I left all the papers belonging to the Grand Committee in the

[1] From *Collections of the N. Y. Historical Society for 1878*, p. 186.

hands of Mr. Blanchard. Among these were the papers relating to Vermont. My reason for not delivering them to you as I did the others was, that the Committee was to sit that morning. There are vessels arrived here which left London as late as the 14 of April. Nothing important, however, has yet been communicated from them. The principal interesting occurrence here is a very daring insult committed on Mr. Marbois by a Frenchman, who calls himself the Cheval. De Longchamps, but it is in fact, the nephew of the Minister's Steward's wife. He obliged him in his own defence to box in the street like a porter. He is demanded by the Minister to be delivered up by the Executive here to be sent to France for punishment. They are plodding over the case. Whether he be a citizen of America or not is not yet decided. I shall endeavor to make myself acquainted with the facts because it will probably be the cause of something disagreeable here, and perhaps on the other side of the water. I think there is a desire in the Executive to give every satisfaction they can, but whether it is in the syllables and letters of the Law that a Frenchman committing an outrage may be delivered up to his master for punishment is matter of dubiety. You will hear enough of it, as it comes to Congress, of course; so I will add no more than my respectful compliments to Mrs Thomson and assurances to yourself that I am, with much esteem, Dr Sir, your friend and servant.

P. S. I find your Letter came by post, but no packet with it. The arrival of so late a vessel is now contradicted.

TO JAMES MADISON. MAD. MSS.

PHILADELPHIA, May 25, 1784.

DEAR SIR,—* * * I could not get my notes printed here & therefore refer it till I shall cross the water when I will have a few copies struck off and send you one—The assembly of N. York have made Payne, the author of Common sense a present of a farm. Could you prevail on our assembly to do something for him. I think their quota of what ought to be given him would be 2000 guineas, or an inheritance with 100 guineas a year. It would be peculiarly magnanimous in them to do it; because it would shew that no particular & smaller passion has suppressed the grateful impressions which his services have made on our minds. * * * I am obliged to put a period here to my letter being desired to assist in a consultation on a very disagreeable affair. A Frenchman of obscure & worthless character having applied to Mr. Marbois to give him the Consular attestations to a falsehood and being refused, attacked him in the streets a day or two after and beat him much with his cane. The minister has taken up this daring insult & violation of the law of nations in the person of the Secretary to their embassy & demands him to be given up (being a subject of France) to be sent there for punishment. I doubt whether the laws of this state have provided either to punish him sufficiently here, or to surrender him to be punished by his own sovereign; and the ——[1] of this state is so indecisive that no defects of law will be supplied by

[1] The governor, John Dickinson.

any confidence of his in the justification of his assembly when they shall meet. They have not yet declared what they can or will do, & the scoundrel is going at large on bail, sending anonymous letters to the minister & Marbois with threats of assassination &c if the prosecution be not discontinued. The affair is represented to Congress who will have the will but not the power to interpose. It will probably go next to France & bring on serious consequences. For god's sake while this instance of the necessity of providing for the enforcement of the law of nations is fresh on men's minds, introduce a bill which shall be effectual & satisfactory on this subject. Consuls you will always have. Ministers may pass occasionally through our country. Members of Congress must pass through it. Should Congress sit in or near the state, frequent instances of these & public ministers entering the state may occur. I wish you every possible felicity & shall hope to hear from you frequently.

TO BENJAMIN FRANKLIN.[1]

BOSTON, 19 June, 1784.

DEAR SIR,—Supposing that Congress would communicate to you directly the powers committed to yourself, Mr. Adams and myself, I have delayed from day to day the honor of writing to you, in hopes that every day would open to me a certainty of the time and place at which I might sail. A French packet will leave New York early in the month. By her I

[1] From Bigelow's *Works of Franklin*, VIII, 505.

mean to take my passage, and may therefore expect, in the ordinary course of things, to have the pleasure of joining you at Paris in the middle or latter part of August, and of communicating the commissions and instructions under which we are to act. The latter are more special than those heretofore sent. I shall then also have the pleasure of giving you more particular information of the situation of our affairs than I could do by letter; in general, I may observe to you that their aspect is encouraging.

Congress, understanding that Mr. Jay was probably on his passage to America, appointed him their Secretary for Foreign affairs. It would give me peculiar pleasure to meet with him before my departure, and to know that he will act in an office with which we shall be so immediately connected. Congress adjourned on the 3rd of June, to meet at Trenton on the first Monday of November, leaving a committee of the States at the helm during their recess.

I have the pleasure to inform you that Mrs. Bache and her family were well when I left Philadelphia, which was about three weeks ago. In hopes of joining you nearly as soon as you will receive this letter, I subscribe myself, with very sincere esteem and regard, dear sir, your most affectionate humble servant.

TO JAMES MADISON. MAD. MSS.

Boston July 1, 1784.

Dear Sir,—After visiting the principal towns through Connecticut, Rhode Island, this state, & New Hampshire in order to acquire what knowledge

I could of their commerce and other circumstances I am returned to this place, and shall sail the day after to-morrow in the Ceres bound for London : but my purpose is to get on shore in some boat on the coast of France & proceed directly to Paris. My servant being sent off today, & much on hand to prepare for my voyage I have no time for any particular communications. Indeed there are few I should have to make, unless I were to enter into a detail which would be lengthy, as to the country and people I have visited. The lower house of this state have passed a bill giving Congress the powers over their commerce which they had asked. It had had two readings with the senate, and meets with no opposition. I find the conviction growing strongly that nothing can preserve our confederacy unless the band of union, their common council, be strengthened. * * *

END OF VOLUME III.

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